

URBAN/MUNICIPAL
CAY ON HBL ADS
A31
1995

AGENDA / MINUTES
OF THE
COUNCIL OF THE
CORPORATION OF THE
CITY OF HAMILTON

JUNE 27, 1995

URBAN/MUNICIPAL
CAY ON HBL AOS
A31
1995

1995 JUNE 22



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MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON **URBAN MUNICIPAL**

Tuesday, 1995 June 27
7:30 o'clock p.m.
Council Chambers, City Hall

JUN 27 1995

GOVERNMENT DOCUMENTS

J. J. Schatz
City Clerk

A G E N D A

1. **National Anthem.**
2. **Opening Prayer - Major Garnett Cassell
Salvation Army Family Services**
3. **Presentation: Municipal Senior of the Year Award - Constance Dowler**
4. **Adoption of the minutes of the meeting held 1995 May 30.**
5. **Correspondence\Petitions**
6. **Reports of the Standing Committees:**
 - (a) **Transport and Environment Committee**
 - (b) **Parks and Recreation Committee**
 - (c) **Planning and Development Committee**
 - (d) **Finance and Administration Committee**
7. **Notices of Motion for next meeting.**
8. **First Reading of the Bills.**
9. **Second Reading of the Bills - Committee of the Whole.**
10. **Third Reading of the Bills.**
11. **Question Period.**
12. **Adjournment.**

MINUTES

Minutes of Hamilton City Council
Tuesday, 1995 May 30
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor Morrow.
Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Drury, Wilson, Copps,
Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross.

Mayor R. M. Morrow called the meeting to order.

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The National Anthem was played.

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Reverend David F. Milne, Rector, Our Lady, Queen of Peace Christian Community led Council in prayer.

PRESENTATION

A Plaque of Appreciation was presented to Mayor R. M. Morrow on behalf of St. Anthony's Feast Committee on the occasion of their 20th Anniversary. In attendance was Nicolo Visentini, President and Rosanna Cook, Secretary.

ADOPTION OF MINUTES

The minutes of the meeting held 1995 May 9 were adopted as circulated.

CORRESPONDENCE

1. Application dated 1995 May 17 from Benemar Construction Inc., Hamilton, Ontario for a change in zoning from "RT-20" (Townhouse-Maisonette) District, modified to "R-4" (Small Lot Single-Family Dwellings) District for lands located at the south-east corner of Upper Wentworth Street and Vineberg Drive, Hamilton, Ontario.

Received.

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and the Nominating Committee, be considered in Committee of the Whole with Alderman Agostino in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - SEVENTH REPORT

Section 26 Re: Westdale Village Business Improvement Area's Traffic Islands

It was moved by Alderman Merling and seconded by Mayor Morrow that Rule No. 8 of the City's Procedural By-law No. 82-203 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the Traffic islands on King Street West between Marion and Paisley Avenues.

CARRIED.

* * * * *

Section 26 Re: Westdale Village Business Improvement Area's Traffic Islands

It was moved by Alderman Merling and seconded by Alderman Anderson that the following be added as Section 26 of the Seventh Report of the Transport and Environment Committee for 1995:

26. (a) That the Director of Public Works be authorized to proceed with the implementation of the revised plan to develop the Westdale Village Business Improvement Area's traffic islands between Paisley and Marion Avenues as shown on Appendix "D", attached herewith;
- (b) That \$18,000 of the total cost of \$44,739 be recovered from Account Number CF5698-428705003 (The Commercial Improvement Programme) **CARRIED.**

* * * * *

Section 26 Re: Westdale Village Business Improvement Area's traffic islands

It was moved by Alderman Merling and seconded by Alderman Anderson that Section 26 of the Seventh Report of the Transport and Environment Committee for 1995 be amended by adding after the words "Appendix D" in the fourth line of subsection (a) the words "at a total cost of \$44,739".

and by adding after the word "cost" in the first line of subsection (b) the words "not to exceed".
CARRIED.

PARKS AND RECREATION COMMITTEE - TWELFTH REPORT

Section 2 (b) Admission - Steam Museum

It was moved by Alderman Copps and seconded by Alderman Wilson that Section 2 (b) of the Twelfth Report of the Parks and Recreation Committee be amended by adding after the word "admission", the words "to the Steam Museum".
CARRIED.

Section 15 Re: Living Rock Ministries - Use of Gage Park

It was moved by Alderman Morelli and seconded by Alderman Drury that Section 15 of the Twelfth Report of the Parks and Recreation Committee for 1995 be referred back.
CARRIED.

* * * * *

Section 16 Re: Regional Municipality of Hamilton-Wentworth - Greater Hamilton Aquafest

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Merling, Anderson, D'Amico, Ross. -15.

NAYS: Aldermen McCulloch, Jackson. -2.

CARRIED.

* * * * *

Section 28 Re: Selection Committee

It was moved by Alderman Morelli and seconded by Alderman Eisenberger that Section 28 of the Twelfth Report of the Parks and Recreation Committee for 1995 be amended to delete the words "one other Committee member" in the sixth line and inserting in lieu thereof the words "Alderman Jackson".

CARRIED.

<p>PARKS AND RECREATION COMMITTEE - THIRTEENTH REPORT</p>
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Section 1 Re: Hamilton Folk Arts Heritage Council - Gage Park - Alcohol in Parks

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Merling, Anderson, D'Amico, Ross. -16.

NAYS: Alderman Jackson. -1.

CARRIED.

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Section 3 Re: Alcohol in Parks - various locations

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Merling, Anderson, D'Amico, Ross. -16.

NAYS: Alderman Jackson. -1.

CARRIED.

PLANNING AND DEVELOPMENT COMMITTEE - FOURTEENTH REPORT

Section 13 Re: Zoning Application - 891157 Ontario Ltd. - 1010-1024 Upper James St.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, D'Amico, Ross. -15.

NAYS: Aldermen Merling, Anderson. -2.

CARRIED.

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Section 18 Re: Barton Street Revitalization

It was moved by Alderman Drury and seconded by Alderman Morelli that Rule No. 8 of the City's Procedural By-law No. 82-203 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the Barton Street Revitalization. **CARRIED.**

* * * * *

It was moved by Alderman Drury and seconded by Alderman D'Amico that the Fourteenth Report of the Planning and Development Committee for 1995 be amended by adding the following as Section 18:

18. (a) That the budget as outlined in Appendix "P" attached hereto, be approved for a street festival to be held 1995 June 25 as part of the Revitalization of Barton Street; and,
- (b) That the City Treasurer be authorized and directed to forward \$8,666. (\$10,822. - 20% holdback) for the Street Festival to the Barton Street B.I.A. The outstanding balance of \$2,167. to be forwarded upon submission of a statement of account.

CARRIED.

FINANCE AND ADMINISTRATION COMMITTEE - FIFTEENTH REPORT

Section 6 Re: Dismissal of the Ontario Court Action - Vince Formosi

Alderman Jackson declared personal interest in, took no part in the debate and refrained from voting on this matter. Alderman Jackson was named in the Action.

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Section 8 Re: McKenzie Tire Inc., and Beverly Tire Service Ltd. - Purchase Order

Alderman Agro declared personal interest in, took no part in the debate and refrained from voting on this matter. Alderman Agro does business with one of the company's who bid.

* * * * *

Section 9 (d) Re: Custom House

It was moved by Alderman Charters and seconded by Alderman Jackson that sub-section (d) of Section 9 of the Fifteenth Report for 1995 of the Finance and Administration Committee, be amended to add the following words after the number "31":

"and shall be subject to the rights of the Province, if any, to acquire the Custom House;"
CARRIED.

* * * * *

Section 9 Re: Custom House

It was moved by Alderman Drury and seconded by Alderman Kiss that Section 9 of the Fifteenth Report of the Finance and Administration Committee for 1995 be referred back.

Recorded vote on referral back.

YEAS: Aldermen Kiss, Caplan, McCulloch, Drury, Copps, Eisenberger. -6.

NAYS: Mayor Morrow, Aldermen Agro, Morelli, Wilson, Agostino, Charters, Jackson, Anderson, D'Amico, Ross. -10.
LOST.

Section 9 Re: Custom House - Workers Centre

Recorded vote on Section 9 as amended.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Copps, Wilson, Agostino, Charters, Jackson, Merling, Ross. - 13.

NAYS: Aldermen Drury, Eisenberger, Anderson, D'Amico. -4. **CARRIED.**

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Section 17 Re: Use of Council Chambers - Traffic Department

It was moved by Alderman Merling and seconded by Alderman Anderson that Section 17 of the Fifteenth Report of the Finance and Administration Committee for 1995 be deleted which read as follows:

17. (a) That approval be given to the City of Hamilton Traffic Department to use the Council Chambers on Thursday, 1995 June 15 between the hours of 7:00 o'clock p.m. and 9:30 o'clock p.m. for the Annual Awards Presentation to the School Crossing Guards; and,
- (b) That approval be given to the Traffic Department to use the Second Floor Foyer for a reception immediately following the ceremony; and,
- (c) That the City Clerk be granted authority to approve similar use in future years, provided it does not interfere with any other activity. **DELETED.**

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Section 30 Re: Bingo Hall - Town of Grimsby

That Section 30 of the Fifteenth Report of the Finance and Administration Committee for 1995 be referred back. **CARRIED.**

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Section 32 Re: City of Burlington - LaSalle Park Pavilion

It was moved by Alderman Wilson and seconded by Alderman Eisenberger that Section 32 of the Fifteenth Report of the Finance and Administration Committee for 1995 be referred back. **CARRIED.**

FINANCE AND ADMINISTRATION COMMITTEE - SIXTEENTH REPORT

NOMINATING COMMITTEE - FOURTH REPORT

ACTING MAYOR FOR THE MONTH OF JUNE, 1995

It was moved by Alderman Kiss and seconded by Alderman Caplan that Alderman D. Ross be appointed Acting Mayor for the month of June 1995.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and the Nominating Committee, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

BILLS

It was moved by Alderman Kiss and seconded by Alderman Caplan that the following Bills be now read a first time:

A-37, A-38, A-39, A-40.
B-2, B-3.
C-38, C-39, C-40, C-41, C-42.
D-44, D-45, D-46.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that Council move into Committee of the Whole to consider the following Bills, with Alderman Agostino in the chair. (second reading).

A-37, A-38, A-39, A-40.
B-2, B-3.
C-38, C-39, C-40, C-41, C-42.
D-44, D-45, D-46.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

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Consideration of the Bills (second reading).

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the following Bills, be adopted:

A-37, A-38, A-39, A-40.
B-2, B-3.
C-38, C-39, C-40, C-41, C-42.
D-44, D-45, D-46.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

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It was moved by Alderman Kiss and seconded by Alderman Caplan that the following Bills, be now read a third time, signed, sealed and enrolled as By-laws:

A-37, A-38, A-39, A-40.
B-2, B-3.
C-38, C-39, C-40, C-41, C-42.
D-44, D-45, D-46.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

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City Council then adjourned at 9:00 o'clock p.m.

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Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz, City Clerk
1995 May 30.
JJS/dg

CORRESPONDENCE

Correspondence:

1. Letter dated 1995 June 13 from Alderman Dominic Agostino re: Letter of resignation as a Member of City Council.

Recommendation: Be Received.

2. Letter dated 1995 May 30 from R. Scott Smith, Secretary to the Board of Commissioners, The Hamilton Harbour Commissioners re: Financial Statements for the year ended December 31, 1994. (previously distributed)

Recommendation: Be Received.

3. Zoning Application dated 1995 May 30 from Community Adolescent Network of Hamilton, Hamilton, Ontario for an Official Plan Amendment to establish a "Special Policy Area" to allow general offices within a "Residential" designation, and for a modification to the "L-mr-2" (Planned Development - Multiple Residential) District regulations for property located at No. 121 Augusta Street, Hamilton, Ontario.

Recommendation: Be Received.

4. Zoning Application dated 1995 June 6 from Chedoke Health Corporation, c/o Lazier, Hickey, Langs, O'Neal, for a further modification to the "DE" (Low Density Multiple Dwellings) District regulations for lands located at the south-west corner of Chedmac Drive and Rice Avenue, Hamilton, Ontario.

Recommendation: Be Received.

5. Zoning Application dated 1995 June 12 from 712169 Ontario Ltd., c/o Homes by Malatesta, Hamilton, Ontario for a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District for lands located at No. 1232 Upper Gage Avenue, Hamilton, Ontario.

Recommendation: Be Received.

June 14 1995



CITY COUNCIL
HAMILTON CANADA

1995 June 13

Mayor R. Morrow,
Members of Regional Council

Dear Mayor Morrow:

Please accept this letter of resignation as a Member of Hamilton City Council effective June 8, 1995, as a result of my election as a Member of Provincial Parliament for Hamilton-East.

It is with mixed feelings as I am going to very much miss the daily working relationship with Members of Council and staff. It has been a very challenging and enjoyable eight years representing Ward 5.

I am hopeful that I can be a strong voice for Hamilton at Queen's Park to ensure that the concerns of this riding are heard in the Provincial Legislature.

I am requesting the usage of my City Hall office for two weeks in order to give me the opportunity to close up constituency cases and finalize a number of other projects.

I want to ensure my constituents who I am currently dealing with do not fall through the cracks and this time would allow me to do the necessary follow-up. Of course, this will be without pay.

Mr. Mayor, thank you for your support and kindness, I look forward to working with you as a Member of Provincial Parliament.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "Dominic Agostino".

DOMINIC AGOSTINO

DA:tb

605 James St. N.
Hamilton, Ontario, Canada
L8L 1K1

Phone Numbers
Hamilton 905-525-4330
Inwats 1-800-263-2131

Fax Numbers
Administration 905-528-6282
General Office 905-528-6554



The Hamilton
Harbour
Commissioners

May 30, 1995

VIA COURIER

Mr. J. Schatz
City Clerk
The Corporation of the City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Schatz,

Enclosed find an original copy of the Financial Statements of The Hamilton Harbour Commissioners for the year ended December 31, 1994, as prepared by the Commissioners' auditors, Coopers & Lybrand.

Kindly provide written acknowledgement of receipt of these Statements.

Yours truly,
THE HAMILTON HARBOUR COMMISSIONERS

GIVEN TO THE CITY CLERK

MAY 31 1995

REC BY *JS* DATE _____

REFD. TO _____ DATE _____

REFD. TO _____ DATE _____

REFD. TO _____ DATE _____

ACTION: _____


R. Scott Smith
Secretary to the Board of Commissioners

RSS:ah
WP.144.95

Encl.

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **EIGHTH** Report for 1995 and respectfully recommends:

1. That a "No Stopping" regulation be implemented on the south side of Claremont Drive commencing at the easterly end of Claremont Drive and extending to a point 103 feet westerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
2.
 - (a) That a "Permit Parking" regulation be implemented on the north side of Britannia Avenue commencing at a point 147 feet east of Kenilworth Avenue North and extending to Archibald Street and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to the residents of Nos. 263, 265, 267, 269, 273 Britannia Avenue and any additional permits on a first come first served basis to a maximum of six permits.
3.
 - (a) That a "Permit Parking" regulation be implemented on the east side of Paling Avenue commencing at a point 603 feet south of Barton Street East and extending to a point 27 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Ms. Lisa Taylor, No. 286 Paling Avenue.
4.
 - (a) That a "Permit Parking" regulation be implemented on the east side of Park Row North commencing at a point 79 feet south of Roxborough Avenue and extending to a point 21 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be directed to issue, one parking permit to Mr. Wilcox, No. 114 Park Row Avenue North.

5.
 - (a) That the existing "No Stopping" regulation on the west side of Riverdale Drive which commences at a point 93 feet south of the south curb line of Jerome Crescent and extends to a point 51 feet southerly therefrom be removed; and,
 - (b) That a "No Parking" regulation be implemented on the west side of Riverdale Drive between the north and south legs of Gainsborough Road; and,
 - (c) That the existing "No Parking" regulation on the east side of Riverdale Drive which commences at Delawana Drive and extends to a point 184 feet north of Glenburn Court be shortened such that the regulation commences at Delawana Drive and extends to Jerome Crescent; and,
 - (d) That the City Traffic By-law No. 89-72 be amended accordingly.
6.
 - (a) That a "Permit Parking" regulation be implemented on the south side of Newlands Avenue commencing at a point 197 feet west of Cope Street and extending to a point 22 feet westerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue a parking permit to Mr. Ron King, No. 156 Newlands Avenue.
7.
 - (a) That the existing "No Parking" regulation on the east side of Avondale Street, which commences at Beechwood Avenue and extends to a point 84 feet northerly therefrom be removed; and,
 - (b) That the existing "Snow Route" designations on Avondale Street between Beechwood Avenue and Barton Street East and on Beechwood Avenue between Gage Avenue North and Avondale Street be removed; and,
 - (c) That the City Traffic By-law No. 89-72 be amended accordingly.
8.
 - (a) That a "Permit Parking" regulation be implemented on the north side of Picton Street West commencing at a point 99 feet west of MacNab Street North and extending to a point 18 feet westerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mrs. Judy Simkins, No. 40 Picton Street West.

9. That a "No Parking" regulation be implemented on the west side of Independence Drive commencing at Templemead Drive and extending to the south property line of No. 100 Independence Drive and that the City Traffic By-law No. 89-72 be amended accordingly.
10. That the existing "Alternate Side Parking" regulation on Strathcona Avenue South between Main Street West and King Street West be replaced with a "No Parking" regulation on the west side and unrestricted parking on the east side and that the City Traffic By-law No. 89-72 be amended accordingly.
11. That a "Three Hour Parking Time Limit, 24 Hours a Day, Seven Days a Week" regulation be implemented on the south side of Bold Street between the projected east curb line of Ray Street South and Queen Street South and that the City Traffic By-law No. 89-72 be amended accordingly.
12.
 - (a) That the existing "Alternate Side Parking" regulation on Hillcrest Avenue between Beulah Avenue and Mountain Avenue be removed; and,
 - (b) That the existing "No Parking" regulation on the south side of Hillcrest Avenue between the extended east curb line of Mountain Avenue and the easterly end of Hillcrest Avenue be removed; and,
 - (c) That a "No Parking" regulation be implemented on the north side of Hillcrest Avenue between Beulah Avenue and the easterly end of Hillcrest Avenue; and,
 - (d) That the City Traffic By-law No. 89-72 be amended accordingly.
13. That the existing "No Parking" corner clearance on the east side of Mary Street which commences at Simcoe Street East and extends to a point 91 feet southerly therefrom be shortened such that the regulation commences at Simcoe Street East and extends to a point 70 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
14. That the existing "Permit Parking" regulation on the west side of Paling Avenue which commences at a point 628 feet south of Barton Street East and extends to a point 23 feet southerly therefrom be removed and that the City Traffic By-law No. 89-72 be amended accordingly.

15. (a) That a "Permit Parking" regulation be implemented on the north side of Bristol Street commencing at a point 26 feet east of Sanford Street North and extending to a point 29 feet easterly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mrs. Lucy Simcoe, No. 178 Sanford Avenue North.
16. That a "One Hour Parking Time Limit, 8:00 am. to 6:00 pm., Monday to Saturday" regulation be implemented on the east side of Locke Street North commencing 28 feet south of Peter Street and extending to a point 37 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
17. That a "One Hour Parking Time Limit, 24 Hours a Days, 7 Days a Week" regulation be implemented on both sides of Chestnut Avenue between Cannon Street East and Wilson Street and that the City Traffic By-law No. 89-72 be amended accordingly.
18. (a) That a "Permit Parking" regulation be implemented on the east side of Emerald Street commencing at a point 101 feet north of the southerly limit of Emerald Street South and extending to a point 20 feet northerly therefrom and on the west side commencing at a point 93 feet north of the southerly end and extending to a point 23 feet northerly therefrom; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Paul Hamner, No. 180 Emerald Street South; and,

(c) That the City Traffic By-law No. 89-72 be amended accordingly.
19. That southbound traffic on Carriagegate Drive be required to stop for eastbound and westbound traffic on Parkwood Crescent and that eastbound traffic on Parkwood Crescent be required to stop for northbound and southbound traffic on Grandoaks Drive and that the City Traffic By-law No. 89-72 be amended accordingly.

20. That three-way stop control be implemented at the intersection of McAnulty Boulevard and Agincourt Avenue, and that the City Traffic By-law No. 89-72 be amended accordingly.
21. (a) That southbound left turns from Binkley Road to Main Street West be prohibited on a 24 hour basis seven days a week; and,
- (b) That the left turn prohibition from Binkley Road to Main Street be implemented in conjunction with the installation of the proposed traffic signal at the driveway to 1581 Main Street West; and,
- (c) That Traffic By-law No. 89-72 be amended accordingly.
22. (a) That the existing "School Bus Loading Zone, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation on the south side of Queensbury Drive be extended 40 feet westerly such that it commences 258 feet west of Upper Ottawa Street and extends 196 feet westerly; and,
- (b) That the City Traffic By-law No. 89-72 be amended accordingly.
23. That a School Crossing Guard be assigned to the intersection of Parkdale Avenue and Queenston Road during the morning, lunch and evening school crossing periods on a permanent basis.
24. (a) That the following property be declared surplus to the requirements of the City in accordance with Realty Sales Procedural By-law No. 95-049:
- the lands composed of the southerly half of Block "F" (Public Walkway) Plan M-27, having frontage along the easterly limit of St. Andrews Drive of 1.524 metres (5 feet) more or less, by a length of 31.0896 metres (102 feet) more or less, being regular in shape and situated immediately north of Lot 41, Plan M-27.

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31. That the action of the Commissioner of Transportation/Environmental Services be confirmed in authorizing the application of Wesley Urban Ministries to temporarily close Rebecca Street between Ferguson Avenue and Mary Street on Friday 1995 June 16, from 1:00 o'clock p.m. to 7:00 o'clock p.m., to hold a street festival, subject to the following conditions:
- (a) That the prior approval of the Chief of Police or his/her designate be received, and that such permits or authorizations as may be required by the Chief of Police or his/her designate be obtained; and,
 - (b) That the applicant provide a certificate of insurance evidencing \$2,000,000. public liability insurance; that the Corporation of the City of Hamilton is shown as an additional insured; and that the policy provides for cross-liability and severability; and,
 - (c) That the applicant agree, in writing, to hold the Corporation of the City of Hamilton harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss; and,
 - (d) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his/her designate; and,
 - (e) That all barricading be supplied by and at the expense of the applicant; and,
 - (f) That "Temporary Road Closure" signs be installed in advance by the City of Hamilton Department of Public Works and Traffic on the affected roadways, if deemed necessary by the Director of Public Works and Traffic; and,
 - (g) That the applicant ensure that clean up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the Commissioner of Transportation/ Environmental Services and at the expense of the event organizer; and,
 - (h) That no property owner or resident within the barricaded area be denied access to their property upon request; and,
 - (i) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation/Environmental Services.

32. (a) That the application of C. J. Poelmann, owner of 90 Edgemont Street North, to erect and maintain the encroachment of steps measuring 0.36m X 1.33m onto the road allowance of Edgemont Street, be approved during the pleasure of Council, provided:
- (i) That the owner enter into an agreement satisfactory to the Commissioner of Transportation/Environmental Services to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and.
 - (ii) That the Mayor and City Clerk be authorized to sign and execute all necessary documents to implement this agreement; and,
 - (iii) That the owner pay a first year fee of \$252. for processing and registration and an annual fee of \$20. for this encroachment; and,
- (b) That the application of the Y.W.C.A., owner of 66 Ottawa Street North, to erect and maintain the encroachment of two doors, each swinging 1 ft. onto the road allowance of Dunsmure Road, be approved during the pleasure of Council, provided:
- (i) That the owner enter into an agreement satisfactory to the Commissioner of Transportation/Environmental Services to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
 - (ii) That the Mayor and City Clerk be authorized to sign and execute all necessary documents to implement this agreement; and,
 - (iii) That the owner pay a first year fee of \$252. for processing and registration and an annual fee of \$20. for this encroachment.
33. That the Commissioner of Public Works and Traffic be authorized to close one lane of Mount Albion Road in the escarpment crest area for a period of five (5) days from 1995 July 10 to July 14 to facilitate guard rail replacements.

34. (a) That the Commissioner of Public Works and Traffic be authorized to amend the residential curbside garbage collection schedule for the area bounded by Strathearne Avenue, Parkdale Avenue, Britannia Avenue and King Street East, from the existing Friday schedule to a Thursday pick up in order to improve collection operations; and,
- (b) That the change in collection schedule be advertised in the Hamilton Spectator for two (2) consecutive weeks and through two (2) separate hand delivered "notices of collection change" to all affected residences, in order to facilitate a 1995 July 27 changeover; and,
- (c) That the Commissioner of Public Works and Traffic be authorized to provide residential curbside garbage collection for the Christmas and Boxing day statutory holidays with the required funding being derived from the efficiencies gained in the Strathearne, Parkdale, Britannia Avenues and King Street East block rescheduling from Friday to Thursday pick up.
35. That the Commissioner of Public Works and Traffic be authorized to seek proposals for the planning, installation, marketing and ongoing management of landscape advertising for the City of Hamilton, recognizing that revenues will be directed to the City of Hamilton Traffic Island Beautification Programme.
36. That the construction of independent concrete sidewalks on the west side of Upper Gage from Stone Church Road to approximately 89.5m north of Robertsfield Drive (south limit of No. 1304), from approximately 120m north of Robertsfield Drive (north limit of No. 1300) to Loconder Drive and from approximately 74m north of Loconder Drive (north limit of No. 1250) to approximately 84m northerly (north limit of No. 1232) not proceed as a local improvement since the Clerk has received a sufficiently-signed petition against these works.
37. (a) That the School Crossing Guard at the intersection of Trevi/Greenshire Drive and Upper Paradise Road be removed at the end of the 1994 - 1995 School Year; and,
- (b) That City Council approve the assignment of a School Crossing Guard to the intersection of Sanatorium Road and Rice Avenue during the morning and evening periods only.

38. That the application of Creative Arts Inc. to temporarily close Longwood Road North, Paradise Road North and Bond Street North from King Street West to Princess Point, and the cross streets between Longwood Road and Paradise Road, including Glen Road, Dufferin Street, Edgevale Road, Roanoke Road, Norwood Road, Franklin Avenue, Kenmore Road, Dorset Place, Freeland Court and Desjardins Court, to all but pass holders, residents of the closure area and emergency vehicles, and to allow one way access to the parking area at Kay Drage Park from Macklin Street and one way exit from Kay Drage Park from Longwood Road, from Friday, 1995 June 30 at 12:00 o'clock noon to Monday, 1995 July 3 at 12:00 o'clock midnight, to hold the annual Earthsong Festival, be approved, subject to the following conditions:
- (a) That the prior approval of the Chief of Police or his/her designate be received, and that such permits or authorizations as may be required by the Chief of Police or his/her designate be obtained; and,
 - (b) That the applicant provide a certificate of insurance evidencing \$2,000,000. public liability insurance; that the Corporation of the City of Hamilton is shown as an additional insured; and that the policy provides for cross-liability and severability; and,
 - (c) That the applicant agree, in writing, to hold the Corporation of the City of Hamilton harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss; and,
 - (d) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his/her designate; and,
 - (e) That all barricading be supplied by and at the expense of the applicant; and,
 - (f) That "Temporary Road Closure" signs be installed in advance by the Department of Public Works and Traffic, on the affected roadways, if deemed necessary by the Director of Public Works and Traffic; and,
 - (g) That the applicant ensure that clean up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the Commissioner of Transportation/ Environmental Services and at the expense of the event organizer; and,
 - (h) That no property owner or resident within the barricaded area be denied access to their property upon request; and,

- (i) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation/Environmental Services.
- 39.
- (a) That the subdividers of Wisemount Estates Phase 3 and Edan Heights Phase 3 be required to modify the approved construction plans to construct the 1.5 metre sidewalks adjacent to the curb and eliminate the 1.0 metre boulevard within these plans of subdivisions; and,
 - (b) That the standard subdivision agreement be amended to require that a copy of the General Plan of Above Ground Services indicating sidewalk/curb configuration be produced by the subdivider, be prominently displayed at all sales offices, and be incorporated in the Purchase/Sale Agreement.
40. That the Ministry of Environment and Energy (M.O.E.E.) be requested to notify the City of Hamilton of all future requests for amendments to Certificates of Approval respecting any issues which affects the City of Hamilton.
- 41.
- (a) That an Offer to Purchase, executed by Union Gas Limited (D.A. Sulman, Vice-President), on 1995 June 5 and scheduled to close on or before 1995 August 18, for the lands being part of Lot 55, Concession 1, in the former Township of Ancaster, now in the City of Hamilton, described as Part 2 on Plan 62R-13242 (Plan No. RA-H-613 Surveys), having a frontage of 7.867 metres (25.810 feet) more or less, along the western limit of Ewen Road, and a depth of 28.865 metres (94.701 feet) more or less, comprising an area of 220.0 square metres (2,368.13 square feet) more or less, known municipally as the southern half of 26 Ewen Road, Hamilton, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Estate Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City, and funds derived from this sale of \$18,600. be credited to Account No. CH4X501 00102 (Reserve for Property Purchases (Sales)); and,
 - (b) That the required deposit cheque in the amount of \$1,860. be held by the City Treasurer pending Council approval; and,
 - (c) That the Mayor and City Clerk be authorized and directed to execute the necessary documents; and,

- (d) That the City Clerk be authorized and directed to execute and (issue) a Certificate of Compliance in the form prescribed by Section 193 of the Municipal Act.

42. That leave be granted to introduce the following Bills:

- (a) A-41 A By-law to Incorporate City Land Designated as Part 2, Plan 62R-13389 into Appleblossom Drive
- (b) A-42 A By-law to Incorporate City Land Designated as Block 5 on Plan 62M-590, Block 30 on Plan 62M-726 and Part 14 on Plan 62R-13203 into Berkindale Drive
- (c) A-43 A By-law to Amend By-law No. 89-72 to Regulate Traffic
- (d) A-44 A By-law to Amend By-law No. 89-72 to Regulate Traffic

Respectfully Submitted,

Kevin C. Christenson
Secretary

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

1995 June 19

Appendix "A" as referred to in
Section 28 of the EIGHTH Report
of the Transport and Environment
Committee for 1995

<u>Location</u>	<u>Owner</u>	<u>Type of Encroachment</u>	<u>First Year /Annual</u>	<u>File No.</u>
36 Paisley Avenue South	A. and K. Martino	Steps 0.40m x 2.0m	105/20	T103 50
434 MacNab Street North	Jones	Building 0.45' x 17.33' and 0.48' x 5.00' Garage 1.10' x 12.00'	111/20	T103 50
19 Glassco Avenue North	T. Wilmer, J. Wilson	Steps 2.48"	134/20	T103 50
221 Napier Street	V. Pinchin	Verandah 2.3' x 17.0'	134/20	T103 50
60 West St. South	F. Seymour	Porch 0.088m x 4.02m	138/20	T103 50
68 Ashley Street	J. A. Turk and G. Armes	Steps 0.21m x 1.632m	138/20	T103 50
290 Hess Street	J. McDougall Pearce	Verandah 13.41m X 0.323m	138/20	T103 50
470 John Street North	P. and F. Nogueira	Porch .228m x 6.867m	138/20	T103 50
393 Mary Street	G. S. Harrison	Pads 4.69m x 3.04m and 4.57m x 2.43m and 4.69m x 2.93m and 4.57m x 3.14 0.74m x 0.72m	138/20	T103 50
106 Picton Street	P. Romano and G. Reeve	Steps 1.5m x 1.2m	138/20	T103 50
28 Mayflower Avenue		Steps 1.9m x 0.43m	138/20	T103 50
210 Queen Street South	W. Maloch	Cornice 11.887m x 0.417m Chimney 0.30m X 0.642m, Portion of Building 9.00m X 0.33m, Area 9.00m X 0.50m	138/20	T103 50

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **FOURTEENTH** Report for 1995 and respectfully recommends:

1. That permission be granted to issue twenty (20) complimentary golf passes for Chedoke, Beddoe Course, to the Organizing Committee of the 9th Annual Great Lakes St. Lawrence Mayors Conference.
2.
 - (a) That approval be given to the Food Concession Co-ordinator, Department of Culture and Recreation to barbecue and sell food and beverages during the July 1st Canada Day Celebrations in Harbourfront and Pier 4 Parks on 1995 July 1; and,
 - (b) That 25 per cent of the gross sales be transferred to the First Night Hamilton Celebrations account to assist with the fundraising of the event.
3.
 - (a) That approval be given to Big Time Productions to host the annual "Music in the City Series" at Sam Lawrence Park, 12:00 o'clock noon to 2:00 o'clock p.m. on 1995 July 23, July 30, August 6 and August 13 and at Whitehern Gardens, 1995 August 25 subject to the following terms and conditions:
 - (i) That proof of \$2 million dollars Comprehensive General Liability Insurance for Property Damage and Bodily Injury be submitted 30 days in advance, naming the City as co-insured with a cross liability endorsement; and,
 - (ii) That the applicant assumes responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.); and,
 - (iii) That a Special Duty Officer, as deemed necessary by the Hamilton-Wentworth Regional Police, be provided at the applicant's expense; and,

- (iv) That Big Time Productions enters into a Licence Agreement satisfactory to the City Solicitor; and,
 - (v) That the event be monitored by the Special Events/Festival Advisory Team, with a post-event report back to committee; and,
 - (b) That the City co-sponsor the "Music in the City" series by waiving the rental permit fee of \$25. per day for the dates listed sub-section (a) above.
4. That approval, as required by Section 11. (1) of the Parks By-law 95-126, be granted to Parents without Partners Chapter 73 to sell alcoholic beverages during their baseball tournament being held at Turner Park, on 1995 July 29 and July 30, subject to the following terms and conditions:
- (a) That proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury and proof of \$5 million Liquor Licence Liability Insurance be submitted 30 days in advance, naming the City as co-insured with a cross liability endorsement; and,
 - (b) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up etc.); and,
 - (c) That alcoholic beverages be served in a confined area of the Park upon receipt of approval of the liquor Licence board; and,
 - (d) That Special Duty Officers as deemed necessary the Hamilton-Wentworth Regional Police be provided at the applicant's expense; and,
 - (e) That the organizers and their workers who are providing Alcoholic beverages be encouraged to participate, on a voluntary basis, in a "Server Intervention Training Program".
5. That approval, as required by Section 8 of the Fireworks By-law No. 90-198, be granted to the Eastmount Community Council to hold a "Family Style" fireworks display on 1995 July 1 in Eastmount Park, located on East 26th Street, subject to the following terms and conditions:
- (a) That proof of \$5 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury be provided, at least 20 days in advance, naming the Corporation of the City of Hamilton as named insured with a cross liability endorsement; and,

- (b) That the Eastmount Community Council agree to indemnify the Corporation of the City of Hamilton for any bodily injury or property damage caused by the fireworks display; and,
 - (c) That the Eastmount Community Council comply with all sections of the By-law No. 90-198.
- 6. That the location of the International Police Divers Symposium, previously approved by City Council on 1995 February 28, as Section 12 of the Sixth Report of the Parks and Recreation Committee for 1995, to use Pier 4 Park to view static displays and open-water exercises and demonstrations to be staged 1995 September 16, be amended to use Harbourfront Park, subject to the same terms and conditions.
- 7.
 - (a) That approval be given to the Director of Culture and Recreation to change the admission fees at the Hamilton Museum of Steam and Technology for the duration of the Annual Antique Steam and Gas Engine Show, 1995 July 22 and July 23 only as follows:
 - (i) Adults from \$2.34 to \$2.80 excluding G.S.T.
 - (ii) Students and Seniors from \$1.87 to \$2.80 excluding G.S.T.
 - (iii) Children from \$1.63 to Free; and,
 - (b) That the admission fees be deposited into the Museum's Revenue Account No. CH44001 71405.
- 8. That approval, as required by the Grounds Use Policy, be granted to the 9th New York Volunteers to set up a small encampment, including 4 - 6 horses, on the grounds of Dundurn Castle on 1995 July 8 and July 9 for the annual Microcosm Festival subject to the following terms and conditions:
 - (a) That proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury be submitted, naming the Corporation of the City of Hamilton as co-insured; and,

- (b) That the encampment occupy only the pre-approved, archaeologically tested area designated by the Dundurn Curator; and,
 - (c) That no blackpowder or firing of weapons be permitted; and,
 - (d) That Dundurn staff and the 9th New York Volunteers assume responsibility for all clean up associated with the encampment.
9. That approval, as required by Section 31 (1b) of Parks By-law No. 77-221 be granted for approximately five exhibitors to park their cars/ trucks and one trailer on the grass at the east and south sides of the south parking lot at the Children's Museum during the Birthday Party event on 1995 July 20 (Raindate: 1995 July 21).
10. (a) That approval, as required by Section 11 (d) of the Parks By-law No. 77-221 be granted to the Pony Rides Co. and Ridgeway Photography to charge a "break-even" fee of \$2. per pony ride and \$5. per pony ride with photograph to cover the costs of labour, equipment, and materials with no profit during the Children's Museum Birthday Party event on 1995 July 20 (Raindate: 1995 July 21); and,
- (b) That approval, as required by Section 20 (1) of the Parks By-law No. 77-221 be granted to the Stoney Creek Raptor Rehabilitation Centre, the Hamilton Society for the Prevention of Cruelty to Animals (H.S.P.C.A.), and the Pony Rides Company of Catherine's to exhibit live predator birds, rabbits and a donkey, and to provide pony rides in Gage Park during the Children's Museum Birthday Party event on 1995 July 20 (Raindate: 1995 July 21).
11. (a) That the City of Hamilton enter into a Lease Agreement with Malcolm Bethune for farming purposes, to rent 54.29 acres, more or less, of land at the Mount Hamilton Cemetery on Rymal Road East, at an annual rental fee of \$1,520.12 (\$28. per acre) including estimated realty taxes of \$1,914.89, and said revenue be credited to Account No. CH44118 63001 (Rental Cemeteries); and,
- (b) That the Lease commence on 1995 May 1 for a period of three (3) years and terminate on 1998 April 30; and,
- (c) That the City Solicitor be authorized and directed to prepare the necessary lease.

12. (a) That a purchase order in the amount of \$73,425.17 including all taxes plus \$10,000. contingency amount be issued to Marta Paving Co. for the construction of asphalt paths and concrete curbs at various park locations, being the lowest of eight (8) tenders received in accordance with specifications C15-13-95 issued by the Purchasing Division and the Vendor's tender, and this expenditure be financed through the 1995 Park Development and Redevelopment Program Account No. CF 629554016; and,
- (b) That approval be given for the actions of the Chief Administrative Officer for authorizing the initiation of the asphalt and concrete work recognizing that this work was to be completed as soon as possible, and therefore the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states, "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the Chief Administrative Officer and that any action taken under this provision to be reported to the next regular meeting of City Council".
13. (a) That the signing authority for the Manager of Cemeteries, Administrative Co-ordinator, Cemetery Support Clerk I, and Cemetery Support Clerk II in the Cemetery Division of the Public Works and Traffic Department be approved to permit these positions to process the non-discretionary contracts, established by the Cemetery Act. (prepayment certificates, deeds for interment right holders and contracts for cemetery supplies & services); and,
- (b) That Section 16 of the Thirteenth Report of the Parks and Recreation Committee for 1992 adopted by City Council at its meeting on 1992 June 30, respecting previous signing authority, be rescinded.
14. (a) That the concept plan for the West Harbourfront Development Study involving relocation of the CN marshalling yard "West Harbourfront Development Study Interim Report" as outlined in Appendix "A" attached hereto be received; and,
- (b) That staff be directed to arrange and attend a minimum of two public meetings to present the concept plan and receive input on the proposal and to obtain input from stakeholder groups including Burlington City Council and Region of Halton; and,

- (c) That the Planning and Development Committee be requested to direct Planning staff to participate with the Department of Public Works and Traffic/Parks Division in the arranging and attendance of meetings required to represent the West Harbourfront Development Study Concept Plan; and,
 - (d) That on the basis of the T. B. McQuesten Multi-Cultural Gardens Project being identified as a principle component of the recommended concept plan, the T.B. McQuesten Multi-Cultural Garden Steering Committee be requested to approve the change in venue for this project; and,
 - (e) That a new development plan be established for the previously approved site of the T.B. McQuesten Multi-Cultural Gardens Project and that sufficient funding be set aside from approved Capital Account No. CF 629254005 to facilitate this development prior to funding being transferred to the Waterfront Project; and,
 - (f) That the remaining approved Capital funding CF 629254005 for the T. B. McQuesten Multi-Cultural Gardens Project including grants and donations be modified to reflect the change in venue; and,
 - (g) That a final report be forwarded to Parks and Recreation Committee and City Council by 1995 October 31.
15. That staff be authorized to approach the Hamilton Spectator for the purpose of establishing a Public Outreach Program for the formal naming of Harbourfront Park.
16. That staff be authorized to asphalt pave the park walkways at Woodward Park in 1995 through the postponing of \$28,489. expenditures at Red Hill Bowl until 1996.
17. (a) That the Commissioner of Public Works and Traffic or his designate be authorized to implement the long term use of "Glen Manor, the Veever's Home" as outlined in Appendix "B" attached hereto; and,
- (b) That through the co-operation and assistance of participating academic partners notice of this opportunity as described in Appendix "C" be advertised Internationally; and,

- (c) That the Commissioner of Public Works and Traffic be authorized to finalize arrangements with Sheridan College, Interior Design Department to undertake preparation of an interior survey plan of the residence and an interior decoration plan as part of its senior class curriculum in interior design commencing Fall 1995; and,
 - (d) That the interior furnishings, other household effects, including but not limited to the ice box and truck and archival materials, such as photographs, letters, diaries, receipts, maps, publications, general papers, relevant to the history of the Veevers property that are specifically related to the dairy and orchard farm operations and retail dairy operation prior to the 1950's be set aside for future consideration and that space be made available in a secure area of the Veever's Property for interim storage"; and,
 - (e) That the Director of Property be authorized to dispose of the balance of household effects and furnishings not required in the residence nor set aside for historical preservation, by way of public auction; and,
 - (f) That through the offices of the Ward Aldermen a public meeting be held to inform neighbourhood residents of the proposed use; and,
 - (g) That funding for interior renovations necessary to the proposed use be charged to the annual interest received from the trust fund established under the Wills of Bertram & Ronald Veevers and from the proceeds of the household items sold by auction.
18. That Hamilton, as landlord of LaSalle Park, endorse Burlington's intention, as tenant, to restore the fire damaged Pavilion provided:
- (a) all restoration costs are the sole responsibility of Burlington; and
 - (b) this endorsement is preliminary, subject to Hamilton's being satisfied that the actual restoration plans (to be submitted by Burlington) will provide for the restoration of the Pavilion in accordance with the plans previously approved by Hamilton in 1993.

19. (a) That the City of Hamilton, as Landlord of LaSalle Park, grant conditional approval to the City of Burlington, Tenant, to permit the following major capital improvements to the infrastructure at LaSalle Park as an approved Canada/Ontario Infrastructure Works Project in the amount of \$194,000. in accordance with Sections 6 and 9 of the LaSalle Park Lease dated 1985 March 28; namely, construction of new water service for fire protection, construction of new walkway on the edges of the dock, repaving and landscaping of the dock surface, subject to the City of Burlington:
- (i) agreeing that Hamilton shall not be obligated under Section 24 of the Lease to pay Burlington for the undepreciated capital improvement cost of the said major capital improvement; and,
 - (ii) executing an agreement to amend the existing Lease incorporating these approvals and conditions; and,
 - (iii) providing a survey of the location of the new water service and a copy of the final plans and specifications of the proposed works; and,
- (b) That the Major and City Clerk be authorized and directed to execute an agreement to amend the Lease of LaSalle Park, incorporating these approvals and conditions.
20. (a) That an Option to Purchase, duly executed by the Hamilton-Wentworth Roman Catholic Separate School Board, on 1995 February 1 and scheduled to close on or before 1995 October 6, for the purchase of part of Lot 16A and part of Roxborough Avenue (closed by Judge's Order-Instrument 377436AB) on Registered Plan No. 772, which said lands are more particularly described as Part 1 on Reference Plan 62R-9776, and have a frontage along the northerly limit of Vittorito Avenue of 174.258 metres (571.713 feet) more or less, a flankage along the easterly limit of Prins Avenue of 193.895 metres (636.138 feet) more or less, containing an area of 3.355 hectares (8.29 acres) more or less, and known by the municipal address No. 141 Vittorito Avenue, be approved and completed; and,
- (b) That, subject to the Finance and Administration Committee approving the recommendation of the City Treasurer, the purchase price of \$800,000. plus GST if applicable, be financed from the Reserve for Park Lands (5% Land Dedication) Account Centre 00201; and,
- (c) That it is a condition of this Option to Purchase that The Hamilton-Wentworth Roman Catholic Separate School Board shall obtain the approval of the Ministry of Education and Training on or before 1995 September 29, failing which this option is null and void; and,

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- (d) That it is a condition of this Option to Purchase that the City may obtain a soils test which shall indicate that the property is free of environmentally dangerous material on or before 1995 September 29, failing which, this Option is null and void. If the City does not notify the owner by the applicable date, the City shall be taken to have irrevocably waived the condition; and,
 - (e) That as consideration in the amount of \$2. has been paid to the owner pursuant to the agreement, this amount be deducted from the purchase price; and,
 - (f) That it is understood and agreed by the parties that the City shall pay one half of the purchase price, namely Four Hundred Thousand (\$400,000.), on the closing date, 1995 October 6. The balance of the purchase price, Four Hundred Thousand (\$400,000.), shall be paid by the City, without interest, on 1996 January 4; and,
 - (g) That the Director of Property be authorized and directed to obtain a Phase 2 Environmental Assessment from a qualified environmental consulting engineer at a cost not to exceed \$10,000. should preliminary site investigation indicate risk of environmental hazard; and,
 - (h) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.
21. (a) That an Offer to Purchase Agreement, executed by Homes By DeSantis Inc. (Peter DeSantis, President) and Marz Homes Holdings Inc. (Marzio Pompiani, President), on 1995 June 5 and scheduled to close on or before 1996 January 5, for the lands being part of Lot 29, Concession 2, in the geographic Township of Saltfleet, comprising an area of 1.66 acres (0.067 hectares) more or less, having a frontage of 132.75 feet, more or less, on Kentley Drive, as shown as Part A on Schedule "A" attached to the Agreement, and municipally known as No. 91 Nash Road North, Hamilton, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Property Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City, and the funds derived from this sale of \$293,615. be credited to Account Centre No. 00201 (Reserve for Acquisition of Parkland); and,
- (b) That the required deposit cheque in the amount of \$29,361.50 be held by the City Treasurer pending Council approval; and,

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- (c) That this Offer to Purchase be conditional upon the Board of Education for the City of Hamilton's acceptance of the Purchaser's offer to purchase the lands municipally known as 26 Kentley Drive, Hamilton being part of Lot 29, Concession 2, in the geographic Township of Saltfleet, comprising an area of 6.0 acres more or less, hereinafter referred to as the "Board Lands"; which lands are directly adjacent to the subject lands; and,
- (d) That the Vendor and Purchaser acknowledge:
 - (i) that the purchase price be calculated upon the following:
 - (1) that the purchase price herein is based upon the lands comprising an area of 1.66 acres and the Board Lands comprising an area of 6.00 acres; and,
 - (2) that the purchase price is based on a rate of \$176,877. per acre as determined by the pending acquisition of the adjacent Board Lands. It is understood and agreed by the Vendor and Purchaser that the aforementioned rate may be changed by the Board of Education for the City of Hamilton; and,
 - (ii) that if the land subject to the herein transaction and/or the Board Lands adjacent are found by an accredited Ontario Land Surveyor to contain more or less than the acreage noted in paragraph (d)(i)(1), as certified by the certificate of the said Surveyor, which shall be final and binding on the Vendor and Purchaser, the purchase price shall increase or abate accordingly; and/or,
 - (iii) that if the per acreage rate noted in paragraph (d)(i)(2) is amended by the Board of Education for the City of Hamilton, the purchase price for the subject land shall increase or abate accordingly; and,
- (e) That the Purchaser shall, at its sole cost and expense, obtain a current survey signed and under seal by an Ontario Land Surveyor in good standing together with a certificate of acreage. A copy of the survey and certificate shall be provided to the City no less than thirty (30) days prior to the completion of the herein transaction; and,

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- (f) That the Purchaser be authorized to include the City owned lands shown as Part "A" on Schedule "A" attached to the Agreement in their Land Titles System application, draft Plan of Subdivision, Land Severance Application, and any other documentation or application which may be required for the development of the herein land. The Vendor agrees to execute all documents reasonable to the foregoing process; and,
 - (g) That the Mayor and City Clerk be authorized and directed to execute the necessary documents; and,
 - (h) That in accordance with Real Property Sales Procedural By-law No. 95-049:
 - (i) satisfactory notice has been given to the public of the intended sale; and,
 - (ii) an appraisal of the fair market value of the real property intended to be sold was obtained on 1995 June 9; and,
 - (iii) the City Clerk be authorized and directed to execute (and issue) a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act.
22. (a) For the information of City Council, the Parks and Recreation Committee have appointed the following persons to serve on the New Mum Show Sub-Committee for a term to expire 1997 November 30:
- (i) John Carey
 - (ii) Jean Carey
 - (iii) Katherine Killins
 - (iv) Russell Geddes
 - (v) Jeanne Reid
 - (vi) Lorne Kenyon
 - (vii) Terry Tobin
 - (viii) Barbara Bragdon; and
- (b) The Parks and Recreation Committee have appointed Alderman Tom Jackson and Alderman Mary Kiss to serve on the New Mum Show Sub-Committee.

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23. (a) For the information of City Council, the Parks and Recreation Committee have appointed the following persons serve on the Arts Advisory Commission for a term to expire 1997 November 30:
- (i) Margaret Anderson-Herrmann
 - (ii) Kenneth Douglas Freeman
 - (iii) Trevor Hodgson
 - (iv) Janna Malseed
 - (v) Don Moffatt
 - (vi) Susan Penrose
 - (vii) Ted Pietrzak
 - (viii) William B. Powell
 - (ix) Peter A. Rogers
 - (x) Susan Worthington; and,
- (b) The Parks and Recreation Committee have appointed Alderman Marvin Caplan to serve on the Arts Advisory Commission.
24. (a) For the information of City Council, the Parks and Recreation Committee have appointed the following persons to serve on the Hamilton Historical Board for a term to expire 1997 November 30.
- (i) Gordon Birk
 - (ii) David Cuming
 - (iii) Stephen J. Kostyshyn; and,
- (b) The Parks and Recreation Committee have appointed Alderman Bill McCulloch and Alderman Bernie Morelli to serve on the Hamilton Historical Board.

Respectfully Submitted,

Kevin C. Christenson
Secretary

ALDERMAN F. EISENBERGER, CHAIRPERSON
PARKS AND RECREATION COMMITTEE

1995 June 20

1995 June 27



Appendix "A" as referred to in
Section 14 of the FOURTEENTH
Report of the Parks and
Recreation Committee for 1995

West Harbourfront Development Study

DRAFT

INTERIM REPORT

May 1995

City of
HAMILTON

THE CORPORATION OF THE CITY OF HAMILTON

WEST HARBOURFRONT DEVELOPMENT STUDY - INTERIM REPORT

1. History of the Project
2. Objectives of the West Harbourfront Development Study
3. Study Team Organization
4. Work Schedule
5. West Harbourfront Development Study Concept Plan

WEST HARBOURFRONT DEVELOPMENT STUDY - INTERIM REPORT1. History of the Project

The West Harbourfront Development Study is a study to provide long and short term development plans and guidelines for the West Harbourfront Precinct in the City of Hamilton and to ensure a co-ordinated development involving private sector opportunities and joint venture initiatives.

The study will recognize the need to minimize the negative impacts of any development or intensification of use to the adjacent residential neighbourhoods and the community at large. Strategies will be developed to provide positive tourism, recreation and economic and environmental benefits compatible with the needs of this community.

Funding for the West Harbourfront Development Study was approved by City Council January 26, 1993 in the amount of \$300,000.00. These funds were allocated to conduct supporting technical studies to arrive at a comprehensive final document to govern the character of new development and redevelopment within the precinct.

To date the funding has been allocated to the following technical studies:

January 25, 1994	1. CN Feasibility Study	
	Relocation of Marshalling Yards	\$ 95,000.00
March 29, 1994	2. Historical Background Study	\$ 10,000.00
	3. Transportation and Traffic Issues	\$ 50,000.00
	4. Public Outreach Programme	\$ 19,850.00
	5. Project Co-ordination, sports complex issues, development plans for Harbourfront Park and West Harbourfront Precinct, land ownership and report preparation	\$ 80,000.00
	6. Production of final document	\$ 35,000.00
	7. Miscellaneous expenses	<u>\$ 10,000.00</u>
		\$299,850.00

The ideal outcome of the West Harbourfront Development Study will be a final document incorporating the many technical studies and their findings in a co-ordinated fashion outlining plans and guidelines for the future development of the West Harbourfront Precinct.

At its meeting 1994 October 12th, the Parks and Recreation Committee forwarded the following recommendations to the West Harbourfront Development Steering Committee.

1. That the T.B. McQuesten Multicultural Gardens project be considered within the context of the West Harbourfront Development Study and that consideration be given to the following:
 - a) the president of the T.B. McQuesten Steering Committee or his designate be added as a member of the West Harbourfront Development Study Steering Committee;
 - b) the integrity of the approved concept plan for T.B. McQuesten Multicultural Gardens be maintained including keeping the gardens as a singly entity and not divided into pieces;
 - c) that all funds approved by City Council and received through grants, donations and other fundraising efforts remain with and be used for the Gardens; and,
2. That upon completion of the West Harbourfront Development Study, wherein an implementation time table will have been proposed, the T.B. McQuesten Multicultural Gardens Steering committee be provided the opportunity of commenting on the appropriateness of relocating the project to the west harbourfront precinct and their ability to remain actively involved; and,
3. That until a final decision is made on where to develop the multicultural gardens, the T.B. McQuesten Park site on Upper Wentworth Street be reserved for that purpose.

2. Objectives of the West Harbourfront Development Study

Goals

For the long term, prepare development guidelines and conceptual plans for the successful, integrated development of the West Harbourfront Precinct.

For the short term, prepare detailed development plans for the Harbourfront Park site.

Study the feasibility of developing a multi-use sports complex/feature attraction, within the West Harbourfront Precinct.



West Harbourfront Development Study

No. 1 • December 1994

GOALS, OBJECTIVES AND PLAN DEVELOPMENT PRINCIPLES

Introduction:

The following goals, objectives and plan development principles for the West Harbourfront Development Study are intended to guide those involved in the planning process for the West Harbourfront Precinct and indicate to potential partners the foundation on which the future development plan will be established. The goals, objectives and principles were derived from the original Terms of Reference for the West Harbourfront Development Study, the Vision Game exercise involving many stakeholder groups, and statements made and submissions received at the Technical Advisory Committee and Steering Committee meetings.

A NEW CENTURY, A NEW WATERFRONT, A NEW HAMILTON

MISSION STATEMENT

To provide a guide for the development of the West Harbourfront Precinct of the City of Hamilton which is sensitive to this unique area and the needs of residents and tourists. Development opportunities are to be identified recognizing the need to enhance public access to the waterfront, as well as, opportunities for both public and private

GOALS

1. To prepare detailed development plans for the Harbourfront Park site recognizing the special significance of this place, within the context of the City of Hamilton, that meet the expressed needs of this community.
2. To prepare development guidelines and conceptual plans for the integrated redevelopment of the West Harbourfront Precinct in order to:
 - a. enhance opportunities in Hamilton for tourism, recreation and commerce,
 - b. maximize universal public access to, and use of the waterfront,
 - c. promote the positive image of the City of Hamilton, and
 - d. encourage and facilitate formation of partnerships with the private sector and senior levels of government in conformity with Hamilton's own vision for the precinct.

OBJECTIVES

1. To develop strategies, including joint ventures and other partnership arrangements, to provide tourism, recreation, economic and environmental benefits compatible with the needs of this community, while reflecting human and natural environmental enhancements within the context of sustainable development.
2. To study the feasibility of developing a multi-use sports complex/feature attraction, within the West Harbourfront Precinct.
3. To integrate future developments and be compatible with adjacent residential neighbourhoods and the community at large.
4. To develop strategies to promote and encourage land use conversions to uses compatible with the development plan.
5. To identify and establish links with the existing central business district of the City and ensure new development is compatible.
6. To increase public access to the waterfront by bicycle, walking, public transit and car.

PLAN DEVELOPMENT PRINCIPLES

1. The plan preparation process should follow the directions of the Region's adopted VISION 2020 policy with regard to sustainable development with consideration for economic, environmental and social impacts.
2. The plan preparation process should recognize the industrial, commercial, residential, historical, and environmental attributes of the Precinct.
3. The plan preparation process should encourage the establishment of partnerships to facilitate the successful implementation of the plan.
4. The plan preparation process shall encourage Downtown Business Associations to introduce marketing schemes and other programs geared to drawing tourists and citizens from the West Harbourfront Precinct.
5. The plan preparation process should include a transportation system that provides the smooth ingress and egress in the West Harbourfront Precinct, linkages with adjacent areas of the community, and sufficient support facilities in the form of parking and traffic control, reducing the dependence on single occupancy motor vehicles and focus on alternative modes, such as walking, cycling, public transit and ride sharing. In addition the plan recognizes that there will be continuous main rail traffic through the study area in the future.
6. Through the provision of such amenities and design features as comfort stations, signage, pedestrian/bicycle linkages and other modes of transport, the development plan should identify connections to downtown and other established commercial districts.
7. The plan preparation process should endeavour to identify and enhance significant environmental features in the West Harbourfront Precinct.
8. Public open space should be of such an area and design to meet the needs and requirements of present and future users and complement the adjacent downtown area.
9. The plan preparation process should encourage acquisition of lands on the water's edge for public use.
10. The West Harbourfront Precinct should be a fully integrated, all season development providing a diversity of uses, buildings and experiences that include quality community amenities and tourist attractions.
11. The plan preparation process should be prepared and implemented through public consultation and input.

Approved:

These Goals, Objectives and Plan Development Principles were approved by the W.H.D.S. Steering Committee on December 5, 1994.

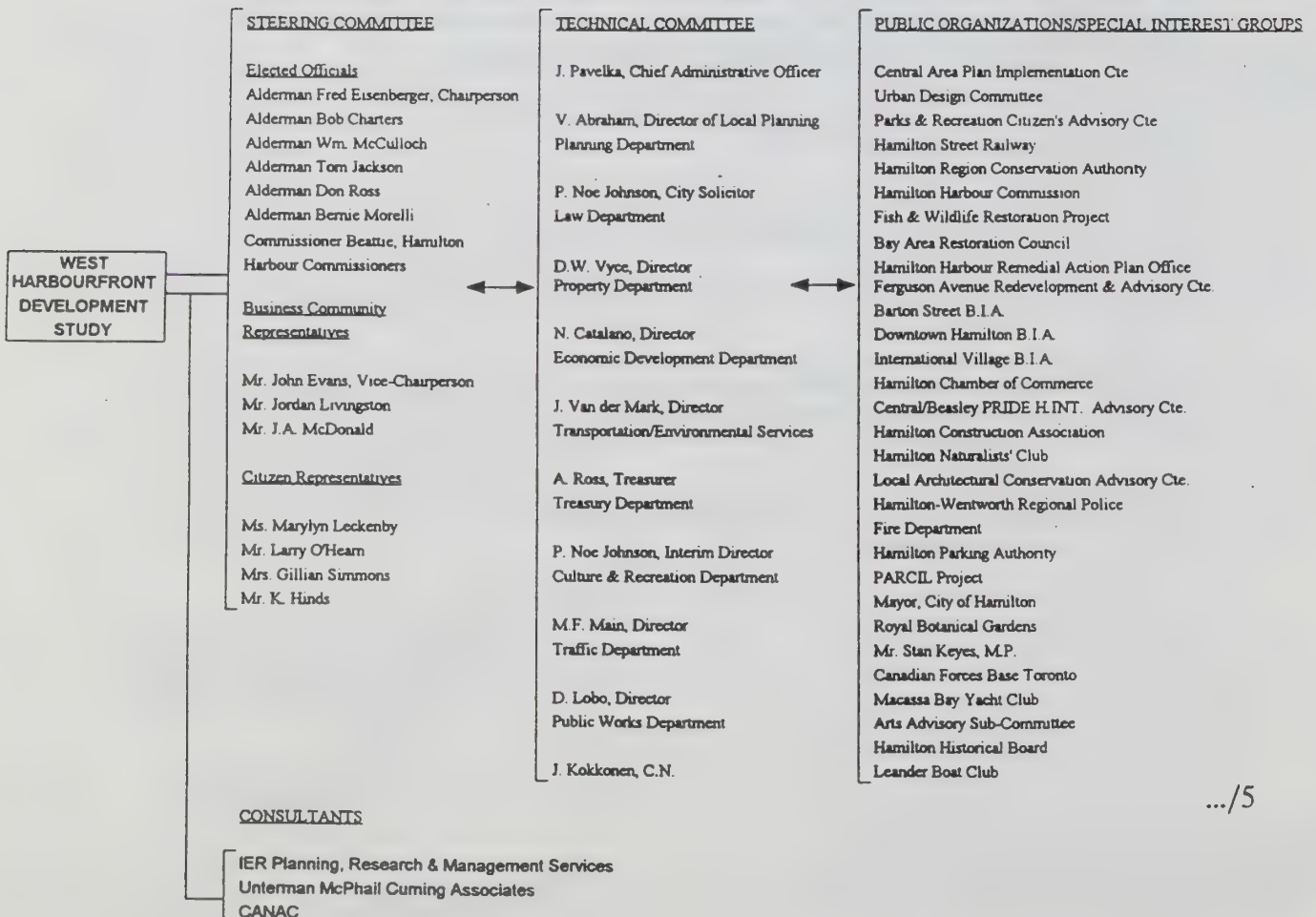
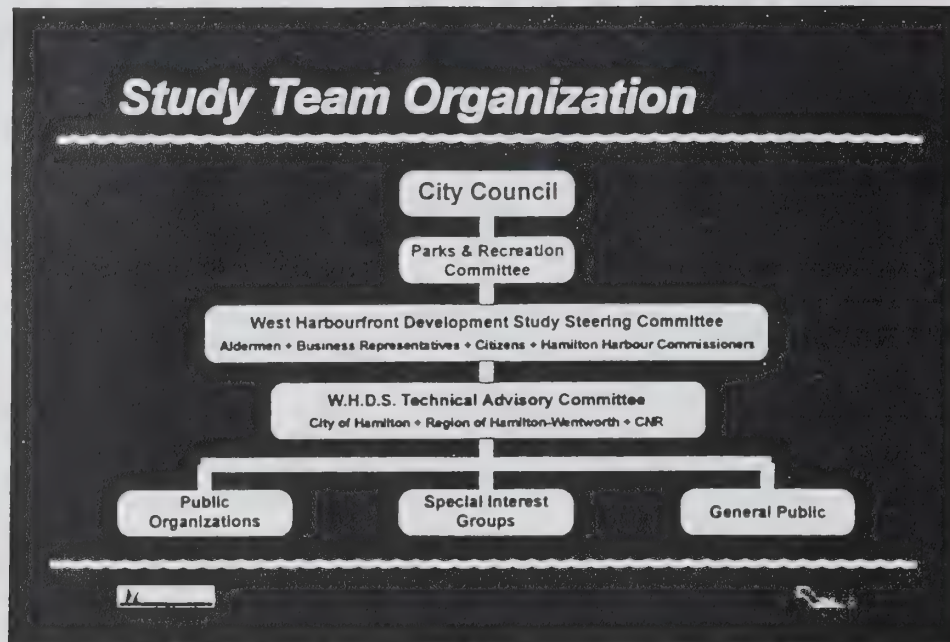
West Harbourfront Development Study



For further information, please contact:

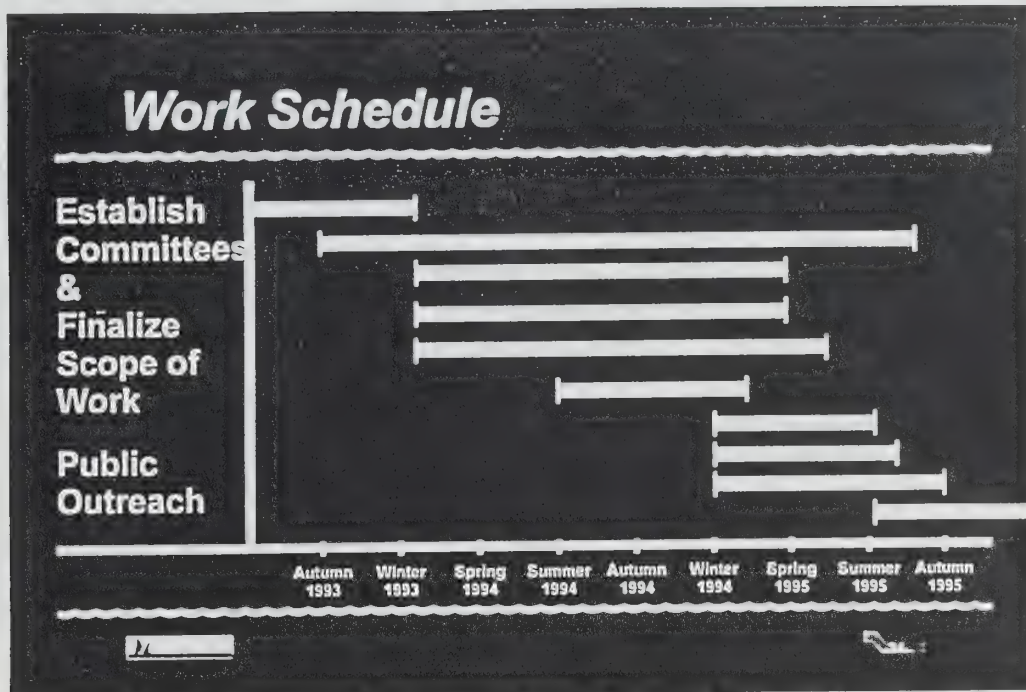
Department of Public Works
Parks Division
City Hall, 71 Main Street West
Hamilton, Ontario, L8N 3T4
Telephone: (905) 546-2409
Facsimile: (905) 546-2443



3. Study Team Organization

.../5

4. Work Schedule



5. West Harbourfront Development Study Concept Plan

This concept was developed as a result of our on-going Steering and Technical meetings with input from stakeholder groups. Also input was received through our public meetings, Vision Game and Design Concept Workshop. Impacting initiatives such as but not limited to Vision 20/20, The Renaissance Project and Remedial Action Plan have been incorporated in the plan emphasizing sustainable community implications.

In accordance with the Terms of Reference for this project the plan is divided into 3 principle components as follows:

A. Harbourfront Park: For the short term, prepare detailed development plans for the Harbourfront Park site.

- multi-purpose building to include: washrooms, comfort station, community police office, office space, kitchen/concession/eating area, performance area
- entrance building - for rental of items such as strollers, rollerblades, lockers
- children's play area - junior and senior play structure
- sunshelters - major covered area for picnics
 - minor shelters strategically located
- upper level walkway/service road
- natural area boardwalk
- Feature Art Area
- drinking fountains
- irrigation
- lighting
- Macassa Bay marinas - expansion to accommodate moorage for water taxi and tourist boats
- unrestricted public access should be created across shorelands to link Pier 4 and Harbourfront Parks
- this corridor can accommodate commercial uses such as restaurants, cafes, boutiques, etc.
- Hamilton Harbour Commission Harbour West Marina

B. West Harbourfront Precinct: For the long term, prepare development guidelines and conceptual plans for the successful, integrated development of the West Harbourfront Precinct.

TRANSPORTATION

- relocation of the railway marshalling yard
- maintain 2 CNR primary lines

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- Perimeter Road
 - initial phase - Bay St. and York Blvd.
 - alternate phase - Regional Council approved route - immediately south of railway lands through the precinct
- pedestrian linkages and bicycle trails - 20 ft. wide trail system along water's edge
- internal road system
- parking - combination surface/underground parking
- potential for a shuttle train - to CN Station or Go Station
- water taxi
- pedestrian underpass at Bay and Cannon Streets

SHORELINE

- public corridors, waterfront access
- natural edge treatment - habitat restoration
- connection to Waterfront Regeneration Trust trail
- bridge to Harbourfront Park over Strachan St. Channel
- wharf at foot of Dundurn Park.
- Fish and Wildlife Restoration Project have approved island development incorporating pedestrian access

RESIDENTIAL

- increased population of approximately 10,000 to support year round activities within precinct and Central Business District.
- preservation of existing residential areas
- future residential development areas include a transitional zone north of Barton to the slope and pockets adjacent to T.B. McQuesten Park site.

COMMERCIAL/RETAIL

- Bay St. and Stuart St. area
- Macassa Bay corridor
- Harbour West Marina, piers 5, 6, 7 & 8
- these land uses are market driven and in some areas it is recommended first floor retail - upper floors residential

PARKLAND

- open space is important and must be maintained
- Central Park will be relocated to better accommodate existing residential areas
- Eastwood Park provides major sports activity site for North end

.../8

- C. Multi-Use Sports Complex: Study the feasibility of developing a multi-use sports complex/feature attraction, within the West Harbourfront Precinct.

MULTI-USE SPORTS COMPLEX

- candidate location chosen by Design Concept Workshop group was Eastwood Park. On the positive side this location ties into transportation network and forces waterfront development further east. On the negative side the impact on the neighbourhood would be substantial. This is the only park site in the neighbourhood. Parking would be a concern.
- the stadium will physically fit at this location however market studies would need to be conducted including other candidate sites not within study precinct
- the concept will represent Eastwood Park as it exists and shows, the stadium as an overlay

FEATURE ATTRACTIONS

- existing features ie. Dundurn Castle, Copps Coliseum, Harbourfront Park, Pier 4 Park, Royal Botanical Gardens
- T.B. McQuesten Gardens and Cultural Centre - strong visual and pedestrian link with Cental Business District maintaining the integrity of design as a single entity
- possible future major attraction, ie. Hamilton-Scourge Warship Museum, Military Museum, historic ship building
- outdoor amphitheatre tied into T.B. McQuesten
- historic zone - Lakeport Village and wharf - historical themed zone

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LAND USE

Total Study Area 664 acres

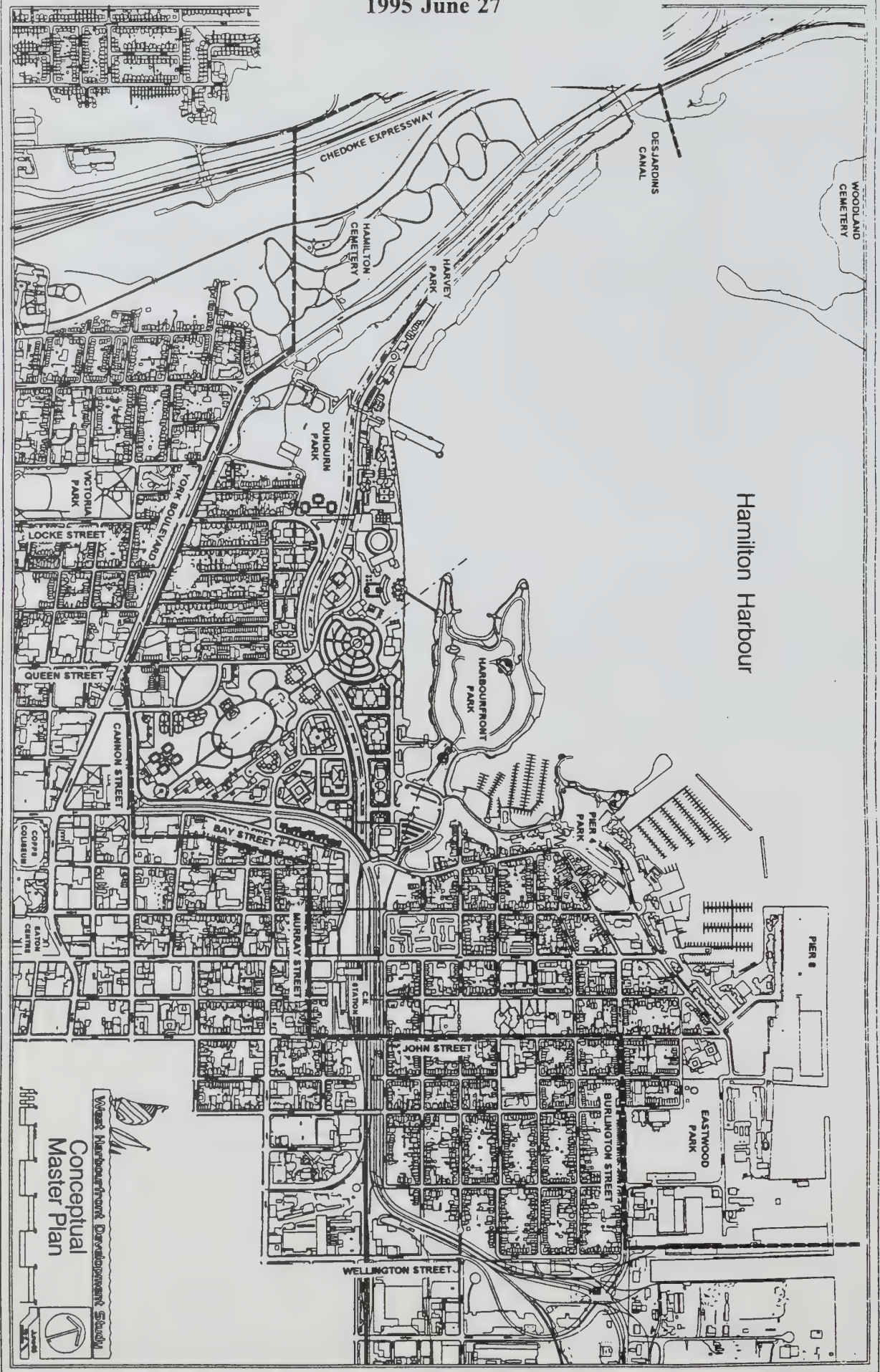
Development Potential Area 170 acres

Existing Use
(within development area)

Rail Area	34%
Industrial	38%
Commercial	3%
Residential	15%
Park	10%

Proposed Use
(within development area)

Rail Area	7.5%
Mixed Use Residential Commercial/Retail	41.5%
Retail	9%
Residential	14%
Park & Multi-Cultural Gardens	18%
Feature Attraction & Amphitheatre	9%
Institutional	1%



"GLEN MANOR, THE VEEVER'S HOME"

A PLAN FOR LONG TERM USE

THE PLAN calls for the residential use of the estate property, on a lease basis, to an individual having credentials in the historical/horticultural field and willing to share his/her expertise with the City of Hamilton as well as academic and/or other institutions interested in participating in this project.

The target area for attracting parties would be international and the target market would include scholars, researchers, consultants, business and public sector individuals having the opportunity of taking leave from their full time employ through a sabbatical or other arrangement.

The duration of the residency would be specific to the party involved and would likely vary from one individual to another. The residency would apply to the qualified individual and his or her immediate family members with provision for visiting guests to be accommodated for reasonable lengths of time.

In return for use of the Veever's Estate Property, affected individuals would be required to provide to the City of Hamilton their expertise on a gratis basis for a mutually acceptable amount of time ie. two to three days per week. The actual scheduling of one's time would depend upon the field of expertise, the type and range of projects requiring work, time of year and the extent to which project partners would benefit from or otherwise require the services of the visiting party.

THE PROCESS would involve a team of academic partners working with municipal staff to manage the project. The initial list of participating institutions and agencies includes:

- Royal Botanical Gardens
- Niagara Parks Commission
- University of Guelph - School of Landscape Architecture
- University of Toronto - School of Architecture and Landscape Architecture
- McMaster University - Department of Biology
- Niagara College
- Sheridan College

Notice of the project would be circulated internationally using systems available through participating academic partners. Applications from interested candidates would be reviewed by the staff team; a recommendation to select a qualified resident would be submitted to the Parks and Recreation Committee for consideration.

The details for each term of residency would be recommended by the staff team and are expected to vary with each successful candidate.

UNIQUE CANADIAN OPPORTUNITY

The City of Hamilton, Ontario has a fully furnished, 5 bedroom estate residence - circa 1802 available for use by a person having credentials in the horticultural/historical fields of expertise. Occupancy would be limited to periods not exceeding 1 year during which time the successful candidate would be expected to provide the City and its academic partners a mutually agreed upon amount of professional service/consultation in lieu of rent and to be responsible for specified property upkeep and yard duties, utility charges and personal family expenses.

Interested parties may write for further information or submit letter of interest to Commissioner of Public Works and Traffic, 71 Main Street West, Hamilton, Ontario, Canada, L8N 3T4.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **FIFTEENTH** Report for 1995 and respectfully recommends:

1. That Zoning Application ZAC-95-09, Thomas S. Loth, owner, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations to legalize the existing three-family dwelling (triplex), for property located at 207 Fairleigh Avenue South, as shown on the attached map marked as Appendix "A", be denied on the following basis:
 - (a) The proposal does not comply with the Approved St. Clair Neighbourhood Plan, which designates the subject lands "Single and Double Residential"; and,
 - (b) The proposal conflicts with Council adopted policy regarding Housing Intensification and the implementing Zoning By-law No. 92-281, which permit conversions of single-family dwellings as-of-right in all low density residential zones, for one additional unit. In this regard, it is Council policy to allow conversions in "C" (Urban Protected Residential, etc.) Districts for a maximum of two dwelling units (ie. duplex); and,
 - (c) The proposal represents the intrusion of a three-family dwelling into the interior of a predominantly one and two-family dwelling neighbourhood. Furthermore, the inability to provide parking in accordance with Zoning By-law standards increases the demand for on-street parking. In this regard, the proposal has the potential to alter the character of the low density residential neighbourhood; and,
 - (d) Approval of this application may encourage other similar applications, which, if approved, would undermine the intent and purpose of the Zoning By-law.
2. (a) That approval be given to Application CD-95-004, under the Rental Housing Protection Act, Sachetta Investments, owner, for conversion of 12 rental apartment units to condominium units for the property located at 41-43 Albert Street, subject to the following conditions:

- (i) That the Owner offer, in writing, to the Tenants named in Appendix "B" as herewith attached, the right to lease their current unit, noted in Appendix "B", for a period of not less than three years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "B", upon the following minimum terms:
 - (1) That the Offer must be made within 45 days of the date this resolution is approved by City Council and shall be open for acceptance by the Tenants for a period of at least 30 days; and,
 - (2) That leases entered into as a result of (1) above, be executed prior to the City's execution of the RHPA Approval Agreement; and,
 - (3) That the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended; and,
 - (4) That such lease shall commence on the date the Owner's Offer is accepted by signature of the Tenant; and,
 - (5) That the Tenants' may terminate the said lease at any time on 60 days written notice, without penalty.
- (ii) That the Owner grant to the Tenants named in Appendix "B" an Option to Purchase a Unit specified in Appendix "B", (together with appurtenant interests). Such Option shall allow each tenant at least three years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner, which Agreement shall incorporate the conditions in Appendix "C" annexed hereto; and,
- (iii) That the Tenant shall have 30 days from receipt of such Option to sign and return to the Owner a copy of the Option acknowledging that he is interested in having the Option in his/her favour and acknowledging that he/she realizes that a formal Notice in writing to the Owner signed by the Tenant shall be received by the Owner on or before the date for such Notice specified in the Option; and,

- (iv) That this RHPA approval shall cease and be at an end:
 - (1) If the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,
 - (2) In any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton; and,
 - (v) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the Director of Planning and Development and to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "B", "C" and "D" annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval; and,
 - (vi) In the event that the Owner proposes to sell all of the subject lands, he shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein; and,
 - (vii) That the Owner provide the City Solicitor and the Director of Planning and Development with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,
 - (viii) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval; and,
 - (b) That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.
3. (a) That approval be given to Application CD-95-005, under the Rental Housing Protection Act, Roy Megna (In Trust for Guiseppe Megna), owner, for conversion of 22 rental apartment units to condominium units for property located at 352 - 356 Hunter Street East and 122 Emerald Street South, subject to the following conditions:

- (i) That the Owner offer, in writing, to the Tenants named in Appendix "E", the right to lease their current unit, noted in Appendix "E", for a period of not less than three years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "E" herewith attached, upon the following minimum terms:
- (ii) That the Offer must be made within 45 days of the date this resolution is approved by City Council and shall be open for acceptance by the Tenants for a period of at least 30 days; and,
- (iii) That leases entered into as a result of (1) above, be executed prior to the City's execution of the RHPA Approval Agreement; and,
- (iv) That the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended; and,
- (v) That such lease shall commence on the date the Owner's Offer is accepted by signature of the Tenant; and,
- (vi) That the Tenants' may terminate the said lease at any time on 60 days written notice, without penalty.
- (vii) That the Owner grant to the Tenants named in Appendix "E" an Option to Purchase a Unit specified in Appendix "E", (together with appurtenant interests). Such Option shall allow each tenant at least three years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner, which Agreement shall incorporate the conditions in Appendix "F" attached herewith; and,
- (viii) That the Tenant shall have 30 days from receipt of such Option to sign and return to the Owner a copy of the Option acknowledging that he is interested in having the Option in his/her favour and acknowledging that he/she realizes that a formal Notice in writing to the Owner signed by the Tenant shall be received by the Owner on or before the date for such Notice specified in the Option; and,
- (ix) That this RHPA approval shall cease and be at an end:

- (1) If the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,
 - (2) In any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton;
 - (x) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the Director of Planning and Development and to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "E", "F" and "G" attached herewith) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval; and,
 - (xi) That in the event that the Owner proposes to sell all of the subject lands, he shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein; and,
 - (xii) That the Owner provide the City Solicitor with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,
 - (xiii) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval; and,
 - (b) That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.
4. (a) That approval be given to Application CD-95-007, under the Rental Housing Protection Act, Meroc Developments (In Trust), owner, for conversion of 12 rental apartment units to condominium units for the property located at 97-101 Connaught Avenue South, subject to the following conditions:
- (i) That the Owner offer, in writing, to the Tenants named in Appendix "H" herewith attached, the right to lease their current unit, noted in Appendix "H", for a period of not less than three years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "H", upon the following minimum terms:

- (1) That the Offer must be made within 45 days of the date this resolution is approved by City Council and shall be open for acceptance by the Tenants for a period of at least 30 days; and,
 - (2) That leases entered into as a result of (1) above, be executed prior to the City's execution of the RHPA Approval Agreement; and,
 - (3) That the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended; and,
 - (4) That such lease shall commence on the date the Owner's Offer is accepted by signature of the Tenant; and,
 - (5) That the Tenants' may terminate the said lease at any time on 60 days written notice, without penalty; and,
- (ii) That the Owner grant to the Tenants named in Appendix "H" an Option to Purchase a Unit specified in Appendix "H", (together with appurtenant interests). Such Option shall allow each tenant at least three years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner, which Agreement shall incorporate the conditions in Appendix "I", herewith attached; and,
- (iii) That the Tenant shall have 30 days from receipt of such Option to sign and return to the Owner a copy of the Option acknowledging that he is interested in having the Option in his/her favour and acknowledging that he/she realizes that a formal Notice in writing to the Owner signed by the Tenant shall be received by the Owner on or before the date for such Notice specified in the Option; and,
- (iv) That this RHPA approval shall cease and be at an end:
- (1) If the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,
 - (2) In any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton; and,

- (v) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the Director of Planning and Development and to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "H", "I" and "J", attached herewith) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval; and,
 - (vi) That in the event that the Owner proposes to sell all of the subject lands, he shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein; and,
 - (vii) That the Owner provide the City Solicitor and the Director of Planning and Development with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,
 - (viii) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval; and,
 - (b) That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.
5. (a) That approval be given to application CDM-95-02 (Regional File 25CDM-95006), Benemar Construction, owner, to establish a draft plan of condominium "Benemar Condominium", located at the north-east corner of Vineberg Drive and Upper Wentworth Street and known municipally as 1809 Upper Wentworth Street, as shown on the attached map marked as Appendix "K", subject to the following conditions:
- (i) That this approval apply to the plan prepared by J.D. Barnes Ltd. and certified by S.J. Balaban, O.L.S., dated 1995 March 23, showing a total of 33 residential townhouse units; and,
 - (ii) That the owner provide connections to the existing watermain on Vineberg Drive and Upper Wentworth Street in order to loop the private watermain within the development to the satisfaction of the City of Hamilton; and,
 - (iii) That the Final Plan of Condominium be in strict conformity with the Site Plan approved on 1994 November 24, under application DA-93-33; and,

- (iv) That the applicant satisfy all conditions of site plan approval to the satisfaction of the City of Hamilton, prior to registration of the Final Plan of Condominium; and,
 - (v) That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton; and,
 - (b) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of City Council's decision.
6. That the originally approved Schedule of Payment for International Village B.I.A.'s 1995 Operating Budget in the amount of \$46,376. be revised as follows:
- (a) 1995 January 01 \$23,188.
 - (b) 1995 July 01 \$23,188.
- 7.
- (a) That the Community Improvement Plan, attached herewith and marked Appendix "L", for the Crown Point East/McAnulty Neighbourhoods be approved; and,
 - (b) That the Community Improvement Plan be submitted to the Ministry of Municipal Affairs for approval; and,
 - (c) That the Commissioner of Public Works and Traffic Department be authorized and directed to make application to the Province of Ontario under the Jobs Ontario Program in the amount of \$132,000.; and,
 - (d) That should the application under Jobs Ontario prove unsuccessful, that the Commissioner of Public Works and Traffic Department be authorized to proceed with implementation of revitalization efforts utilizing the \$400,000. municipal allocation that is existing in Account Number CF 42000 429407001 (Crown Point East/McAnulty, Phase 1); and,
 - (e) That the City Solicitor be authorized and directed to prepare the appropriate By-law.
- 8.
- (a)
 - (i) That the budget, as outlined in Appendix "M" herewith attached, be approved for the mural component of the Barton Street Revitalization Program, and;

- (ii) That the City Treasurer be authorized and directed to forward \$16,000. (\$20,000. - 20% holdback) for the mural component to the Barton Street B.I.A. The outstanding balance of \$4,000. to be forwarded upon submission of a statement of account.
- (b)
 - (i) That a Commercial Loan in the amount of twenty one thousand, and forty-four dollars (\$21,044.) to John Hilger for improvements to 470 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 1/2 percent, amortized over ten years, and;
 - (ii) That a grant from the Barton Street Revitalization Fund in the amount of ten thousand, five hundred and twenty-two dollars (\$10,522.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program.
- (c)
 - (i) That a Commercial Loan in the amount of five thousand (\$5,000.) to Kenesky Sports & Cycle for exterior storefront improvement to 228 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 1/2 percent, amortized over 10 years; and,
 - (ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand and five hundred dollars (\$2,500.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program; and,
- (d)
 - (i) That a Commercial Loan in the amount of twenty five thousand dollars (\$25,000.) to Kenesky Sports & Cycle Co. Ltd., for rehabilitation to 228 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 1/2 percent, amortized over 10 years, and;
 - (ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand and five hundred dollars (\$12,500.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program.
- (e)
 - (i) That a Commercial Loan in the amount of twenty-five thousand dollars (\$25,000.) to Keith and Margaret Cody for rehabilitation to 293 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 1/2 percent, amortized over 10 years, and;

- (ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand and five hundred dollars (\$12,500.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program, and;
- (f)
 - (i) That a Commercial Loan in the amount of five thousand hundred dollars (\$5,000.) to Keith and Margaret Cody for exterior storefront improvements to 293 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 1/2 percent, amortized over as period less than 7 years, and;
 - (ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand and five hundred dollars (\$2,500.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program.
- (g) That the grants to business land owners referred to above be subject to the following conditions being fulfilled:
 - (i) Preparation and enactment of a By-law in a form satisfactory to the City Solicitor to amend By-law No. 88-12, being the By-law to adopt "The Barton General Community Improvement Plan" in order that the Plan may include the revised Barton Street Revitalization Program adopted by Council on 1995 March 28 (Section 2, 10th Report, Planning & Development Committee), including the following points:
 - (1) Grants to business land owners who have Commercial Loans from the City for a sum of up to 1/2 of the outstanding loan principal of a loan made for the purpose of paying for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the Community Improvement Plan; and,
 - (2) Grants to business land owners who intend to rehabilitate their lands and buildings in conformity with the Community Improvement Plan to cover the cost of building permit fees, Committee of Adjustment applications, Property compliance Reports due the City; and,
 - (3) Grants to business land owners to cover all or a portion of the cost of decorative murals to be erected on their lands to rehabilitate these lands and buildings in conformity with the Community Improvement Plan.

- (ii) That the Building Department be authorized to hold the public meeting and take the other steps required by the Planning Act prior to the enactment of the said amending by-law to amend the Barton General Community Improvement Plan; and,
 - (iii) That the by-law shall be submitted to Council for enactment and the City Solicitor be authorized to submit the amending by-law for the approval of the Minister of Municipal Affairs; and,
 - (iv) That following Ministerial approval to the amending by-law, the City Solicitor also be authorized to apply to the Minister of Municipal Affairs pursuant to sec. 28(8) of the Community Improvement provisions of the Planning Act for approval to be granted to the City by the Minister to permit the City to make the grants (and offer the other assistance to the business land owners) provided for in the Barton General Community Improvement Plan, as amended, that would otherwise be bonuses prohibited by section 111(1) of the Municipal Act; and,
 - (h) That the Building Commissioner and the City Solicitor be authorized to prepare a report to the Planning and Development Committee on the private legislation that would be required from the Province to enable the City to implement those provisions of the Barton Street Revitalization Programme which would provide grants and other financial benefits to business tenants in the Barton Street Community Improvement area.
9. That Section 14 of the Fourteenth Report of the Planning and Development Committee approved by City Council on 1983 June 28 which authorized the Planning and Development Committee to deal with demolition permit applications during the summer months of June, July and August be rescinded in order to ensure that all demolition permits receive Council approval prior to issuance.
10. That the required capital of \$120,000. for loans to repair retaining walls on Greencedar Drive and Firenze Street, be referred to the Committee of the Whole for reconsideration from the 1995 Capital Budget.
11. (a) That the City of Hamilton retain an independent real estate appraisal of the Victoria Hall/Mackay Building (the Foster Building) located at 66 and 68 King Street East, in an amount not to exceed \$2,500.; and,
- (b) That this expenditure be charged to Account No. CH 00120 - Acquisition of Historic Properties.

12. That the Building Commissioner be authorized to issue a demolition permit for 35 Dickson Street in accordance with By-Law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.
13. That a Commercial Loan in the amount of twenty five thousand dollars (\$25,000.) to Park Place Partnership for improvements to 35 King Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 1/2 per cent, amortized over ten (10) years.
14. That a Commercial Loan in the amount of thirty seven thousand, two hundred and thirty-six dollars (\$37,236.) to 914914 Ontario Inc., operating as Fred Gregory Florist, for improvements to 213, 215, 217 Ottawa Street North be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 1/2 per cent, amortized over ten (10) years.
15.
 - (a) That the Building Department be authorized and directed to process an increase of \$2,590. in the loan to Keltie Lynn Law of 112 Aberdeen Avenue under the Community Heritage Trust Fund, from the previously approved amount of \$2,789. to \$5,379. which loan shall have an interest rate of 3 1/2% amortized for ten years with two 5 year terms, and;
 - (b) That the Building Department be authorized and directed to process an increase of \$410. in the Designated Property Grant to Keltie Lynn Law, of 112 Aberdeen Avenue from the previously approved \$2,590. to \$3,000.
16.
 - (a) That the following prizes be awarded to the Mohawk College broadcasting students for their submissions in the Phase IV, Downtown Action Plan, Public Service Announcement (P.S.A.) competition. All of the P.S.A.'s contain messages about keeping Hamilton clean.
 - (i) First Prize: Richard Belletti;
 - (ii) Second Prize: Jane Hicks;
 - (iii) Third Prize: Sandra McCallum; and,
 - (b) That funds be provided from Phase IV of the Downtown Action Plan for the first prize at \$700., second prize at \$500., and third prize at \$300., and a donation to Mohawk College Media Studies Department of \$1,500. for development of the videos and use of equipment.

17. (a) That the Purchasing Manager be authorized and directed to issue purchase orders to Crescan Landscape Ltd., P.O. Box 4056, Station D, Hamilton, on behalf of the Treasury and the Building Departments, based on prices Quotation C18-1-95 and revised prices as indicated in their letter dated 1995 May 17, to provide final lot grading and sodding as and when required during 1995 in various subdivisions, being the lowest of four quotations received in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation, and be financed through Lot Grading Deficiencies Subdivision Account No. PR53700090; and,
 - b) That Section 9 of the Thirteenth Report of the Planning and Development Committee as approved by City Council on 1995 May 9, be rescinded.
18. That the total outstanding Commercial Loan for Agommen Ltd., c/o A. Ammendolia, M. Nusca, G. Piccini and F. Zanette, 283 - 287 King Street East, in the amount of twenty nine thousand, three hundred and sixty-nine dollars and sixty-eight cents (\$29,369.68) be placed on the tax rolls.
19. (a) For the information of the members of City Council, the Planning and Development Committee have appointed the following to serve on the Central Area Plan Implementation Committee for a term to expire 1997 November 30:
 - (i) Greg Fraleigh
 - (ii) Xiaoyin (Sherry) Wang
 - (iii) Alderman M. Caplan
- (b) For the information of the members of City Council, the Planning and Development Committee have appointed the following to serve on the Local Architectural Conservation Advisory Committee for a term to expire 1997 November 30:
 - (i) Robert Brough
 - (ii) Diane Dent
 - (iii) Robert D. Hamilton
 - (iv) J. Brian Henley
 - (v) John Mokrycke
 - (vi) Jane Rigby
 - (vii) J. Jeffrey Steadman
 - (viii) Reg Wheeler
 - (ix) Alderman W. McCulloch
 - (x) Alderman F. D'Amico

1995 June 27

22. That leave be granted to introduce the following Bills:

- (a) C-43 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located at the Rear of Municipal Nos. 1451, 1459, 1465, 1469 Upper James Street.
- (b) C-44 A By-law to Amend Zoning By-law No. 6593 Respecting Definitions of "Lodging House", "Hostel", "Hotel", "Residential Care Facility", "Short-Term Care Facility" and "Tourist Home".
- (c) C-45 A By-law to Amend Zoning By-law No. 6593 as Amended by Zoning By-laws Nos. 85-171, 85-230 and 89-115 Respecting Lands Located at Municipal Nos. 986-998 Upper Wentworth Street.

RESPECTFULLY SUBMITTED,

**ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE**

**Susan K. Reeder
Acting Secretary**

1995 June 21

1995 June 27

Appendix "A" as referred to in
Section 1 of the Fifteenth Report
of the Planning and Development
Committee for 1995



Legend



Site of the Application



TENANTS AND MONTHLY RENTAL CHARGES AS OF JUNE 5, 1995

<u>41-43 Albert Street</u>		Apt. 07	David Latendresse 41-43 Albert Street Apt. 07 Hamilton, Ontario L8M 2Y1 One-Bedroom/\$420.06
Apt. 01	Francisnene Merrifield 41-43 Albert Street Apt. 01 Hamilton, Ontario L8M 2Y1 One-Bedroom/\$457.51	Apt. 08	Daniel and Mary Black 41-43 Albert Street Apt. 08 Hamilton, Ontario L8M 2Y1 One-Bedroom/\$459.53
Apt. 02	Wayne and Dorothy Cowan 41-43 Albert Street Apt. 02 Hamilton, Ontario L8M 2Y1 One-Bedroom/\$420.06	Apt. 09	Ken Dawson and Corey Johnston 41-43 Albert Street Apt. 09 Hamilton, Ontario L8M 2Y1 One-Bedroom/\$515.21
Apt. 03	Carl Condon 41-43 Albert Street Apt. 03 Hamilton, Ontario L8M 2Y1 One-Bedroom/\$420.06	Apt. 10	Marie Jackson 41-43 Albert Street Apt. 10 Hamilton, Ontario L8M 2Y1 One-Bedroom/\$526.36
Apt. 04	Eric Roberts 41-43 Albert Street Apt. 04 Hamilton, Ontario L8M 2Y1 One-Bedroom/\$459.53	Apt. 11	Elaine Johnson 41-43 Albert Street Apt. 11 Hamilton, Ontario L8M 2Y1 One-Bedroom/\$549.53
Apt. 05	Richard Withers 41-43 Albert Street Apt. 05 Hamilton, Ontario L8M 2Y1 One-Bedroom/\$526.36	Apt. 12	Dosko Ignieski and Lekan Swayze 41-43 Albert Street Apt. 12 Hamilton, Ontario L8M 2Y1 One-Bedroom/\$420.06
Apt. 06	VACANT 41-43 Albert Street Apt. 06 Hamilton, Ontario L8M 2Y1 One-Bedroom/\$526.36		

The Agreement of Purchase and Sale shall provide,

- (a) that the sale shall be completed within One Hundred and Twenty (120) days of execution of the agreement, unless otherwise agreed by the Tenant and Owner; and,
- (b) that the purchase price for a Unit be the price agreed upon between the Owner and the Tenant which price shall not exceed the dollar value assigned to the Unit by an accredited appraiser of real property less,
 - i) \$4,000.00 or 5.0 percent of the appraised dollar value of the Unit, whichever is greater; and,
 - ii) 25.0 percent of the total rental payments made by the Tenant in the preceding 12-month period prior to date the Agreement of Purchase and Sale is executed between the Tenant and the Owner.

The aforementioned accredited appraiser of real property shall be retained at the expense of the owner and the appraisal of the unit shall be conducted within 21 days of the Tenant exercising their Option to purchase a unit.

The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

- (a) The following documents, namely the RHPA Approval Agreement, the leases and the Options to Purchase shall be prepared by the Owner and registered by the Owner at its expense, including payment of registration fees.
- (b) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of a rental unit.
- (c) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant(s) only and not assignable by the Tenant(s) to anyone, unless approved by the owner, in the owners absolute discretion.
- (d) If the Director of Planning and Development receives a declaration from the Owner that a Tenant named in Appendix "A" has not, or does not want, to enter into the said lease or the said Option or both of them, or that the Tenant has vacated the rental unit, the Director of Planning and Development shall send by registered mail to the Tenant at the rental unit listed in Appendix "A", a Notice that the Tenant's rights to the lease or Option, as the case may be, shall cease within twenty-one days of the mailing of the Notice unless the Tenant is still in possession of the premises and has within the said twenty-one day period, collected such document from the Owner and returned to the Owner a copy of the document signed by the Tenant. The Owner shall sign and return the document to the Tenant in accordance with the other time limits of this approval.

TENANTS AND MONTHLY RENTAL CHARGES AS OF MAY 31, 1995352-356 HUNTER STREET EAST & 122 EMERALD STREET SOUTH

Apt. 01	(Vacant) 352 Hunter Street East Hamilton, Ontario L8N 1N8 Two-Bedroom/\$619.96	Apt. 07	Susan Klaus 352 Hunter Street East Hamilton, Ontario L8N 1N8 Two-Bedroom/\$619.96
Apt. 02	Tammy Godwaldt 352 Hunter Street East Hamilton, Ontario L8N 1N8 One-Bedroom/\$523.82	Apt. 08	Marilyn Herkimer 352 Hunter Street East Hamilton, Ontario L8N 1N8 One-Bedroom/\$571.90
Apt. 03	Brian Vanassche 352 Hunter Street East Hamilton, Ontario L8N 1N8 Two-Bedroom/\$619.96	Apt. 09	Vacant 356 Hunter Street East Hamilton, Ontario L8N 1N8 Two-Bedroom/\$619.96
Apt. 04	Thomas Dickey 352 Hunter Street East Hamilton, Ontario L8N 1N8 One-Bedroom/\$522.16	Apt. 10	Augustus Headworth 356 Hunter Street East Hamilton, Ontario L8N 1N8 One-Bedroom/\$523.82
Apt. 05	Vacant 352 Hunter Street East Hamilton, Ontario L8N 1N8 Two-Bedroom/\$495.00	Apt. 11	Lambert Clarke 356 Hunter Street East Hamilton, Ontario L8N 1N8 Two-Bedroom/\$641.51
Apt. 06	Vacant 352 Hunter Street East South Hamilton, Ontario L8N 1N8 One-Bedroom/\$523.82	Apt. 12	Cam Savoy 356 Hunter Street East Hamilton, Ontario L8N 1N8 One-Bedroom/\$523.82

Apt. 14	Vacant 356 Hunter Street East Hamilton, Ontario L8N 1N8 Two-Bedroom/\$619.96	Apt. 22	Vacant 122 Emerald Street South Hamilton, Ontario L8N 2V5 One-Bedroom/\$571.90
Apt. 15	Albertien Jankauskas 356 Hunter Street East Hamilton, Ontario L8N 1N8 Two-Bedroom/\$679.70	Apt. 23	Evelyn Filder 122 Emerald Street South Hamilton, Ontario L8N 2V5 Two-Bedroom/\$626.61
Apt. 16	Christopher Heldt 122 Emerald Street South Hamilton, Ontario L8N 2V5 One-Bedroom/\$571.90		
Apt. 17	Vacant 122 Emerald Street South Hamilton, Ontario L8N 2V5 Two-Bedroom/\$619.96		
Apt. 18	Robert Brignull 122 Emerald Street South Hamilton, Ontario L8N 2V5 One-Bedroom/\$571.90		
Apt. 19	John Roach and Elizabeth Elshoff 122 Emerald Street South Hamilton, Ontario L8N 2V5 Two-Bedroom/\$619.90		
Apt. 20	Robert Nicholson 122 Emerald Street South Hamilton, Ontario L8N 2V5 One-Bedroom/\$571.90		
Apt. 21	Donald Moran and Linda Archer 122 Emerald Street South Hamilton, Ontario L8N 2V5 Two-Bedroom/\$619.96		

The Agreement of Purchase and Sale shall provide,

- (a) that the sale shall be completed within One Hundred and Twenty (120) days of execution of the agreement, unless otherwise agreed by the Tenant and Owner; and,
- (b) that the purchase price for a Unit be the price agreed upon between the Owner and the Tenant which price shall not exceed the dollar value assigned to the Unit by an accredited appraiser of real property less,
 - i) \$4,000.00 or 5.0 percent of the appraised dollar value of the Unit, whichever is greater; and,
 - ii) 25.0 percent of the total rental payments made by the Tenant in the preceding 12-month period prior to date the Agreement of Purchase and Sale is executed between the Tenant and the Owner.

The aforementioned accredited appraiser of real property shall be retained at the expense of the owner and the appraisal of the unit shall be conducted within 21 days of the Tenant exercising their Option to purchase a unit.

The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

- (a) The following documents, namely the RHPA Approval Agreement, the leases and the Options to Purchase shall be prepared by the Owner and registered by the Owner at its expense, including payment of registration fees.
- (b) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of a rental unit.
- (c) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant(s) only and not assignable by the Tenant(s) to anyone, unless approved by the owner, in the owners absolute discretion.
- (d) If the Director of Planning and Development receives a declaration from the Owner that a Tenant named in Appendix "A" has not, or does not want, to enter into the said lease or the said Option or both of them, or that the Tenant has vacated the rental unit, the Director of Planning and Development shall send by registered mail to the Tenant at the rental unit listed in Appendix "A", a Notice that the Tenant's rights to the lease or Option, as the case may be, shall cease within twenty-one days of the mailing of the Notice unless the Tenant is still in possession of the premises and has within the said twenty-one day period, collected such document from the Owner and returned to the Owner a copy of the document signed by the Tenant. The Owner shall sign and return the document to the Tenant in accordance with the other time limits of this approval.

TENANTS AND MONTHLY RENTAL CHARGES AS OF JUNE 21, 1995

<u>97 and 101 Connaught Avenue South</u>		Apt. 07	Linda Vickers 97-101 Connaught Ave. S. Apt. 07 Hamilton, Ontario L8M 3C4 One-Bedroom/\$331.88
Apt. 01	Jeff Buch and Teresa Bell 97-101 Connaught Ave. S. Apt. 01 Hamilton, Ontario L8M 3C4		
	One-Bedroom/\$331.88	Apt. 08	Andre Dallaire 97-101 Connaught Ave. S. Apt. 08 Hamilton, Ontario L8M 3C4 One-Bedroom/\$382.10
Apt. 02	Bernie Browne 97-101 Connaught Ave. S. Apt. 02 Hamilton, Ontario L8M 3C4		
	One-Bedroom/\$328.90	Apt. 09	Beverly Milligan 97-101 Connaught Ave. S. Apt. 09 Hamilton, Ontario L8M 3C4 One-Bedroom/\$331.88
Apt. 03	Marco Digiacinto 97-101 Connaught Ave. S. Apt. 03 Hamilton, Ontario L8M 3C4		
	One-Bedroom/\$358.79	Apt. 10	Pat Ireland 97-101 Connaught Ave. S. Apt. 10 Hamilton, Ontario L8M 3C4 One-Bedroom/\$376.73
Apt. 04	Frank Mike 97-101 Connaught Ave. S. Apt. 04 Hamilton, Ontario L8M 3C4		
	One-Bedroom/\$358.79	Apt. 11	Don Joseph 97-101 Connaught Ave. S. Apt. 11 Hamilton, Ontario L8M 3C4 One-Bedroom/\$393.18
Apt. 05	Willy Macneil 97-101 Connaught Ave. S. Apt. 05 Hamilton, Ontario L8M 3C4		
	One-Bedroom/\$358.79	Apt. 12	Sandy Schuett 97-101 Connaught Ave. S. Apt. 12 Hamilton, Ontario L8M 3C4 One-Bedroom/\$393.18
Apt. 06	Linda Default 97-101 Connaught Ave. S. Apt. 06 Hamilton, Ontario L8M 3C4		
	One-Bedroom/\$385.72		

The Agreement of Purchase and Sale shall provide,

- (a) that the sale shall be completed within One Hundred and Twenty (120) days of execution of the agreement, unless otherwise agreed by the Tenant and Owner; and,
- (b) that the purchase price for a Unit be the price agreed upon between the Owner and the Tenant which price shall not exceed the dollar value assigned to the Unit by an accredited appraiser of real property less,
 - i) \$4,000.00 or 5.0 percent of the appraised dollar value of the Unit, whichever is greater; and,
 - ii) 25.0 percent of the total rental payments made by the Tenant in the preceding 12-month period prior to date the Agreement of Purchase and Sale is executed between the Tenant and the Owner.

The aforementioned accredited appraiser of real property shall be retained at the expense of the owner and the appraisal of the unit shall be conducted within 21 days of the Tenant exercising their Option to purchase a unit.

The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

- (a) The following documents, namely the RHPA Approval Agreement, the leases and the Options to Purchase shall be prepared by the Owner and registered by the Owner at its expense, including payment of registration fees.
- (b) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of a rental unit.
- (c) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant(s) only and not assignable by the Tenant(s) to anyone, unless approved by the owner, in the owners absolute discretion.
- (d) If the Director of Planning and Development receives a declaration from the Owner that a Tenant named in Appendix "A" has not, or does not want, to enter into the said lease or the said Option or both of them, or that the Tenant has vacated the rental unit, the Director of Planning and Development shall send by registered mail to the Tenant at the rental unit listed in Appendix "A", a Notice that the Tenant's rights to the lease or Option, as the case may be, shall cease within twenty-one days of the mailing of the Notice unless the Tenant is still in possession of the premises and has within the said twenty-one day period, collected such document from the Owner and returned to the Owner a copy of the document signed by the Tenant. The Owner shall sign and return the document to the Tenant in accordance with the other time limits of this approval.



1995 June 27

Appendix "L" as referred to in
Section 7 of the Fifteenth Report
of the Planning and Development
Committee for 1995

CROWN POINT EAST/MCANULTY

COMMUNITY IMPROVEMENT PLAN

DEPARTMENT OF PUBLIC WORKS/PARKS DIVISION

1995 JUNE

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CROWN POINT EAST/MCANULTY COMMUNITY IMPROVEMENT PLAN

Introduction to the Community Improvement Plan

Hamilton City Council approved an allocation of \$400,000. in the 1994 Capital Budget for improvements to the Crown Point East/McAnulty neighbourhoods - Phase I. An additional \$400,000. for Phase II is planned in the Capital Budget for implementation in 1998.

The Official Plan outlines policies dealing with community improvement. As a result of these policies the City is required to prepare Neighbourhood Plans and Community Improvement Plans for the defined Community Improvement Project Area. It is intended that community improvement is achieved by means of the conservation, rehabilitation or redevelopment of areas characterized by obsolete buildings and/or conflicting land uses and/or inadequate levels of engineering and community services.

The Neighbourhood Plans for these neighbourhoods, adopted by City Council in 1979, identify actions to be undertaken as part of the community improvement process. Proposals for the community improvement of these neighbourhoods were placed in the City's 10-year Capital Budget. As the capital budget funding is now available, staff are reviewing the priorities identified in the 1979 Neighbourhood Plan. Based on the feedback received from the communities in the past few months, it appears that the priorities identified in the Neighbourhood Plan are consistent to those prioritized by the existing neighbourhood residents.

In order to receive as much feedback as possible from the entire community, the public participation process has been broadened in order to reach as many groups as possible. Open Houses were held to advise the citizens of the allocations, provide information on the existing hard and soft services within their neighbourhoods and, to advise of the improvement projects that were identified in the 1979 Neighbourhood Plans prepared by the Planning Department in the late 1970's, early 1980's.

This Community Improvement Plan implements the City of Hamilton's Official Plan (Sub-Section D-10 - Community Involvement, attached as Schedule 'F'), the Property Standards By-law No. 74-74 and the Crown Point East/McAnulty Neighbourhood Plans.

Neighbourhood Profiles

The Crown Point East and McAnulty Neighbourhoods comprise approximately 253 acres in Hamilton's East End with a total population of approximately 6,320 persons (1991 Population Statistics). These adjacent neighbourhoods are bounded by Dofasco to the north, Main Street East to the south, Kenilworth Avenue to the east and Ottawa Street to the west.

**Crown Point East/McAnulty
Community Improvement Plan
continued.....**

Crown Point East and McAnulty Neighbourhoods contain a wide variety of land uses (1991 Land Use Characteristics) including residential (56%), commercial (17%), industrial (15%), open space (2%), institutional (6%) and other, such as transportation, communication, utilities and parking (5%).

The two neighbourhoods that make up the Community Improvement Project Area are divided whereby approximately 70% comprises of Crown Point East and 30% of McAnulty. It should be noted that all of McAnulty Neighbourhood's residential areas are within the Project Area.

Commercial uses are limited mainly to the major arterial roads such as Ottawa Street, Barton Street, Main Street, Cannon Street and Kenilworth Avenue.

Industrial uses are limited mainly to the northerly area of the Crown Point East/McAnulty Neighbourhood. This can be attributed partly to the Canadian National Railway which divides the two neighbourhoods, and the Dofasco plant which fronts the northern boundary for McAnulty.

There are three schools in the Crown Point East/McAnulty area. Lloyd George and Queen Mary Schools are under the jurisdiction of the Hamilton Board of Education Public School System. Holy Family School is the responsibility of the Hamilton-Wentworth Roman Catholic Separate School Board. Just outside of the Crown Point East boundaries, on the south side of Main Street East, resides the Delta High School. It is important to note that the population of the school aged children is high in proportion to the amount of existing parkland in this neighbourhood.

Land use in Crown Point East/McAnulty is regulated by zoning by-laws which are controlled by the City of Hamilton's Official Plan, Crown Point East and McAnulty approved Neighbourhood Plans and related policies. The Neighbourhood Plan for McAnulty was adopted by City Council in 1979, the Neighbourhood Plan for Crown Point East in 1980. They identify which land uses are considered appropriate for future development in different areas throughout the neighbourhoods in conformance with the City of Hamilton's Official Plan. Land acquisition for the McAnulty Priority-One-Park (known as St. Christopher's Park) which was identified in the 1979 Neighbourhood Plan, has been completed and is ready for redevelopment. The Crown Point East Priority-One-Park was proposed to extend to the rear of Queen Mary Public School south of Roxborough Avenue. Ten (10) houses behind the school (situated between Province and Graham Avenue North) were targeted for purchase by the City in order to provide a future park. To date, five of the ten properties have been purchased. The funding allocation

**Crown Point East/McAnulty
Community Improvement Plan
continued.....**

for Crown Point East (\$200,000.) would not allow completion of the property acquisition for this park. Other enhancements for open space and parks will be considered.

Areas for both active and passive recreation such as baseball, football, tennis, skating, picnicing, relaxing and sunbathing would greatly improve the quality of life in the Neighbourhood. As very little parkland is available in the Crown Point East Neighbourhood for use by its residents and workers, an emphasis will be placed on improvements to passive parks within this area. Due to the fact that McAnulty already has possession of a large park, emphasis be placed on a more active nature of redevelopment. These goals are consistent with the issues identified through the Open Houses and questionnaires.

COMMUNITY IMPROVEMENT PLAN

The Community Improvement Plan will be presented in the following format:

Goals - what the neighbourhood would like to ultimately obtain

Objectives - the steps to be taken to achieve these goals

Actions - what action needs to be taken to address the objectives

GOAL ONE - Develop High Quality Recreational Services

Objective 1.1

Improvements to existing parks and facilities

Action 1.1.1

Rehabilitate St. Christopher's Park and develop as a community park.

Action 1.1.2

Rehabilitate Pipeline Park including improved lighting.

Action 1.1.3

Rehabilitate open space on Park Row North to facilitate passive park area.

Action 1.1.4

Incorporate accessible playstructure, complete with features for young children, into existing park/open space or neighbourhood school yard for use by the community.

Action 1.1.5

Neighbourhood Associations to request input from Culture and Recreation Department and Y.W.C.A. on programming needs for neighbourhoods and suggestions for alternate locations within closer proximity.

Action 1.1.6

Encourage Neighbourhood Association involvement in programming for new Kiwanis Boys & Girls Club Community Centre targeted to commence in 2002.

Action 1.1.7

Neighbourhood Association to work with Dofasco and Public Schools to develop play structures within schools with a view to creating a financial partnership.

GOAL TWO - Create a Clean, Non-Pollutant Environment Within The Neighbourhoods

- Objective 2.1** Address the problem of intense air pollution in the neighbourhood.
- Action 2.1.1** Incorporate greenery (trees, climbing vines) into frontages of existing industrial properties.
- Action 2.1.2** Introduce trees into the City Boulevards and request permission from individual property owner to plant trees on their properties.
- Action 2.1.3** Work with Homeside Neighbourhood and the Ministry of Environment to combat the air pollution problem.

GOAL THREE - Improve Overall Health and Well-being of the Residents of the Community

- Objective 3.1** Encourage establishment of an easily accessible Medical Clinic for use by the neighbourhood.
- Action 3.1.1** Neighbourhood Association to keep in ongoing contact with the Physician Associations to ensure future physicians are made aware of the need of a facility in these neighbourhoods.
- Objective 3.2** Improve accessibility to existing or future social service agencies in the area through providing the residents with more information.
- Action 3.2.1** Encourage social service agencies to work with newly developed community services/centres.
- Objective 3.3** Improve general information and referral services in the area.
- Action 3.3.1** Neighbourhood Association request that local agencies make presentation of services that are provided.
- Action 3.3.2** Local agencies be requested to send information material to area community centres and neighbourhood associations.
- Action 3.3.2** Neighbourhood Association distribute newsletters to the community incorporating all pertinent information affecting the neighbourhood.

- Objective 3.4** Improve the environmental quality of the neighbourhood.
- Action 3.4.1** Neighbourhood Association identify litter problem areas and review same with the Department of Public Works and C.N. Railway.
- Action 3.4.2** Work with Keep Hamilton Clean Committee to review problems in the neighbourhoods.

GOAL FOUR - Increase Public Safety

- Objective 4.1** Reduce crime in the neighbourhood
- Action 4.1.1** Neighbourhood Associations to work with the local authorities in identifying concerns.
- Action 4.1.2** Police to be invited to make presentation to the Neighbourhood Association about various programmes (i.e. Crime Stoppers, Business Watch, etc.).
- Action 4.1.3** Create a Neighbourhood Watch Committee.
- Action 4.1.4** Police be invited to make presentation to area schools to advise children on safety measures, more than once a year, to reinforce negative affects of juvenile delinquency.
- Objective 4.2** Investigate the lighting conditions in the neighbourhood
- Action 4.2.1** Increase the lighting in Pipeline Park
- Action 4.2.2** Identify areas of concern and request lighting level readings from Public Works Department.
- Objective 4.3** Improve on-street parking.
- Action 4.3.1** Neighbourhood Association to identify problem areas and review same with the Traffic Department.

GOAL FIVE - Create and Improve Upon Ever-changing Educational Needs

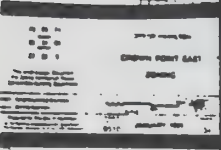
- Objective 5.1** Neighbourhood Association to investigate possibility of Adult Education/Retraining Programmes at a location within their neighbourhood.

- | | |
|----------------------------|--|
| <u>Action 5.1.1</u> | Contact Public School Board and Mohawk College to determine feasibility of programmes within neighbourhood school. |
| <u>Action 5.1.2</u> | Request information from Mohawk College on programmes already offered in the vicinity of McAnulty neighbourhood. |
| <u>Action 5.1.3</u> | Utilize School and Neighbourhood Association to inform residents of existing programmes available at these alternate Mohawk/College locations and funding assistance (through O.S.A.P.). |

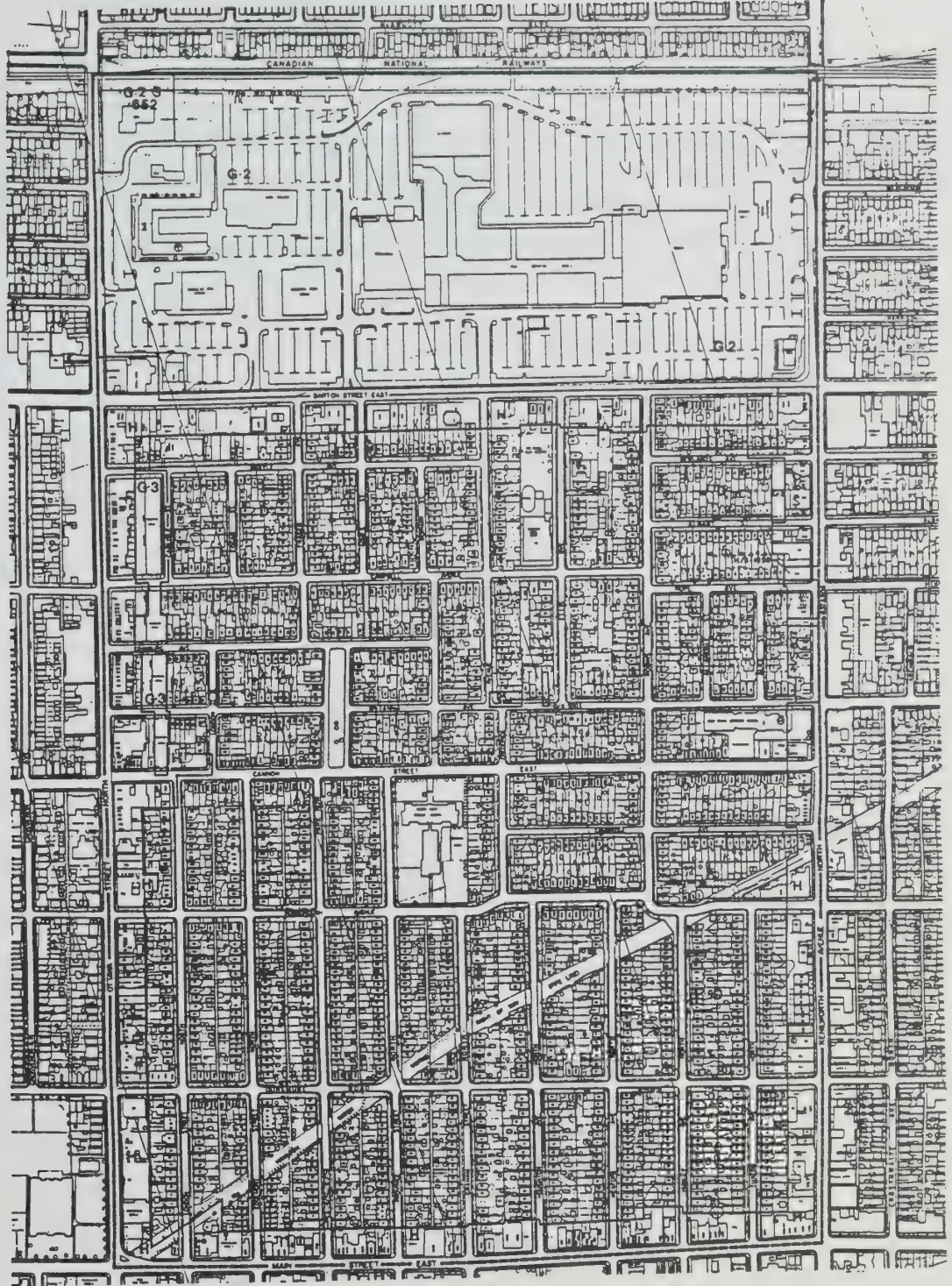
Conclusion

The north-east communities in the City of Hamilton experienced tremendous industrial growth in the 1940's, 1950's and 1960's. These neighbourhoods grew at that time to provide housing for the employees who worked at the steel mills. The neighbourhoods now provide "affordable" housing for Hamilton's citizens in accordance with provincial policy (Land Use Planning for Housing; Provincial Policy statement of Bill 163).

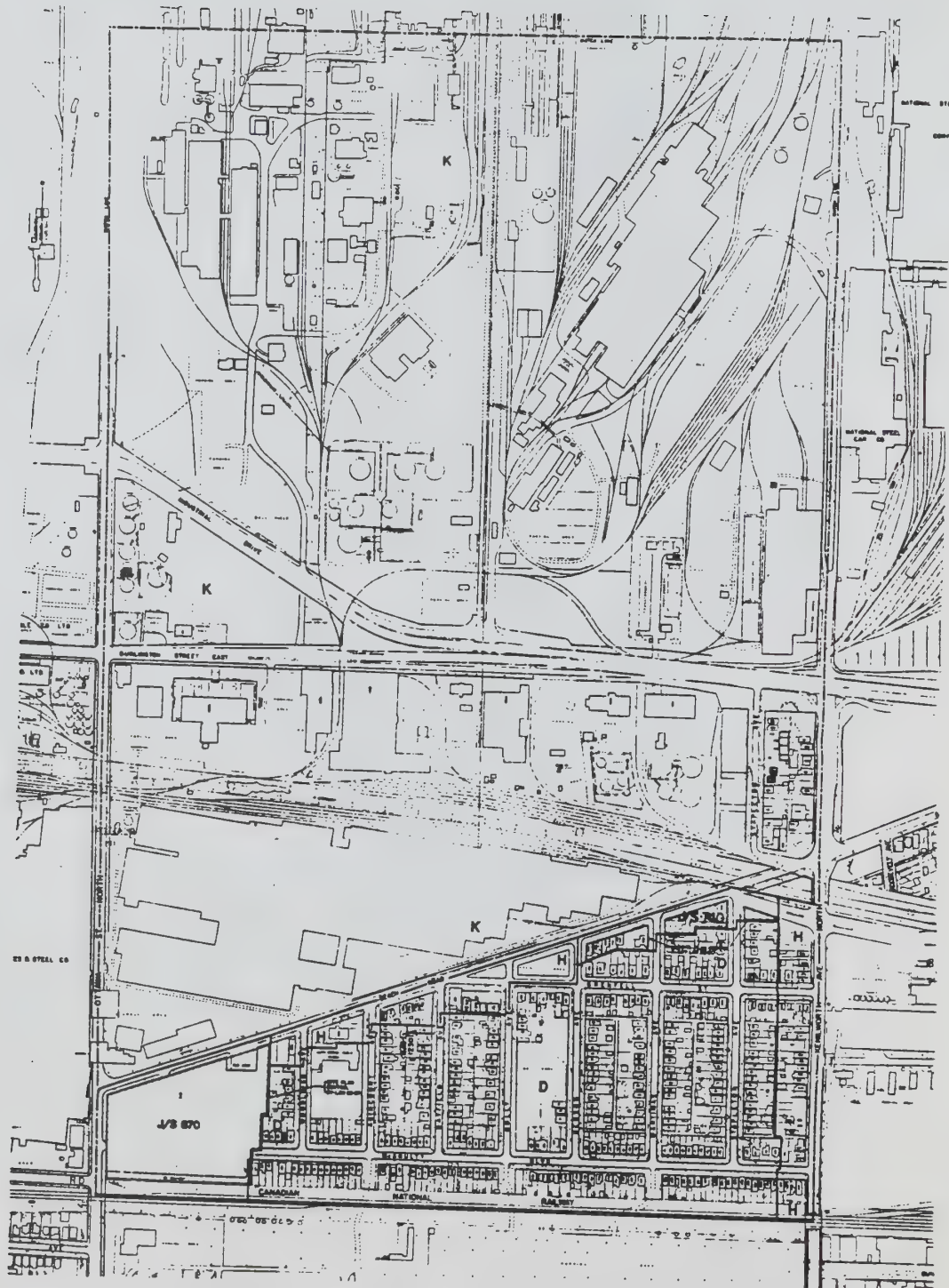
With the use of this Capital Budget allocation, we hope to improve the excellence of life in these areas by providing some much needed improvements and services.

[illegible]

1995 June 27



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<p>Neighbourhood Boundary Zoning Boundary</p> <p>Prepared for The City of Hamilton by the Planning and Development Department</p>	<p>SCALE 30"</p> <p>PLANNING DEPT NO 6350 6211</p> <p>PAGE NO 73</p>									

It is the general intent of the Plan to promote the ongoing maintenance of the established areas of residences and work in the City through COMMUNITY IMPROVEMENT. Accordingly, it is intended that COMMUNITY IMPROVEMENT be achieved by means of the conservation, rehabilitation or redevelopment of areas characterized by obsolete buildings, and/or conflicting land uses and/or inadequate levels of Engineering and Community Services.

It is thus necessary to provide the framework to co-ordinate public and individual initiatives to effectively utilize the funding programs available from senior levels of government for COMMUNITY IMPROVEMENT. To this end, it is further intended that COMMUNITY IMPROVEMENT Project Areas, be identified and appropriate strategies for their revitalization be detailed through COMMUNITY IMPROVEMENT Plans.

- 10.1 It is the intent of Council that the COMMUNITY IMPROVEMENT AREAS as shown on Schedule "H" may be designated, in whole or part, by by-law, as COMMUNITY IMPROVEMENTS Project Areas, for which detailed COMMUNITY IMPROVEMENT Plans will be prepared. (O.P.A. No. 15)
- 10.2 Council will utilize the following criteria to identify and delineate COMMUNITY IMPROVEMENT Project Areas:
- i) Older, predominantly Residential areas, which are potentially stable and have some of the following:
 - a) a significant portion of the housing stock in need of rehabilitation;
 - b) inadequate Engineering Services such as: sewers and watermain; roads and streets; curbs and sidewalks; and street lighting and utilities;
 - c) inadequate Community Services such as public indoor/outdoor recreational facilities; public open space; and public social facilities;
 - d) encroachment of non-residential uses; and,
 - e) inadequate parking facilities.

- ii) Older, predominantly Commercial areas, which are potentially stable and have some of the following:
 - a) a significant portion of the building stock in need of rehabilitation;
 - b) inadequate Engineering Services such as: roads, sewers and watermains, street lighting;
 - c) poor overall visual amenity of the area;
 - d) existing or potential for a Business Improvement Area designation; and,
 - e) Inadequate parking facilities.
- iii) Older, predominantly Industrial areas, which are potentially stable and have some of the following:
 - a) inadequate Engineering Services;
 - b) inadequate road access and traffic circulation;
 - c) shortage of land to accommodate building expansion and/or parking and loading facilities;
 - d) encroachment of non-industrial uses; and,
 - e) building and/or property deterioration. (O.P.A. No. 15)

- 10.3 Council will determine the sequences in which designated COMMUNITY IMPROVEMENT Project Areas will have individual COMMUNITY IMPROVEMENT Plans prepared. In this manner, limited public funding assistance will be directed to those Areas with critical deficiencies. (O.P.A. No. 15)
- 10.4 The COMMUNITY IMPROVEMENT Plan will function to co-ordinate individual initiatives to improve properties with municipal actions to improve Engineering and Community Services. Accordingly, COMMUNITY IMPROVEMENT Plans will define which of the following measures amongst others will apply in the affected COMMUNITY IMPROVEMENT Project Areas:

- i) Use of appropriate funding programs;
- ii) Acquisition of land where necessary in keeping with Subsection D.5 of this Plan;
- iii) Enforcement of a property standards by-law in keeping with Subsection C.5 of this Plan;
- iv) Consideration of more flexible zoning including bonus zoning provisions, where it will support the COMMUNITY IMPROVEMENT objectives;
- v) Encouragement of infill and rehabilitation where feasible;
- vi) Promotion of historical preservation through the appropriate Provincial and Federal legislation in keeping with Subsection C.6 of this Plan; and,
- vii) Promotion of the viability of Commercial areas through such means as the establishment of Business Improvement Areas. (O.P.A. No. 15)

10.5 In the preparation of a COMMUNITY IMPROVEMENT Plan, Council will solicit the input of affected residents, property owners and other interested groups in keeping with the Notice and Public Participation Procedure, as set out in Subsection D.9 of this Plan. COMMUNITY IMPROVEMENT Plans and amendments thereto will be adopted by Council. (O.P.A. No. 15)

10.6 When Council is satisfied that the COMMUNITY IMPROVEMENT Plan has been carried out, Council may, by by-law, dissolve the COMMUNITY IMPROVEMENT Project Area.
(O.P.A. No. 15)

BARTON STREET - A VISUAL ARTS PROGRAMME

Prepared by the Department of Culture and Recreation
Public Art Programme

I HISTORY

From the research recently prepared by Julie Fitzgerald for the Social Planning and Research Council, a picture of the Barton Street area in the 1800's (including the Wellington to Wentworth Streets section) has emerged. On farmland originally owned by United Empire Loyalist Robert Land, immigrants from Scotland, Ireland, England and the United States established a neighbourhood. The ethnic make-up of the area did not change over many decades.

In the 1880's and '90's there were many itinerant peddlars, skilled craftsmen (such as coopers, blacksmiths, shoemakers, bakers), lumber and other supplies merchants and labourers. Widows were numerous. The land east of Wentworth was either farmed or undeveloped.

Although industries were being located at the Bay, most traffic movement was east-west to downtown.

In the pecking order of working class neighbourhoods, Landsdale was at the top. Its residents had significant skills and trades and therefore earned four times as much as unskilled labourers. This situation persisted into the 1920's and '30's. For example, in the '30's there were twenty barbers/hairdressers in the neighbourhood. Twelve were on Barton Street East itself at numbers 270, 323, 407, 292, 314, 335, 376, 388, 445 (barbers); 303, 322, 355 (beauty salons). Another thriving enterprise was the dairy business.

II INTRODUCTION

It is important to recognize and build on the strengths, in this case, of an eight block stretch from Wellington (North) to Wentworth Streets (North). Glimpses of Barton Street's origins are still found in the wide variety of shops and services offered today. Within eight blocks we have beauty salons, flower shops, health services, grocers, a bicycle shop, used furniture, recycled clothing, used books, antiques restoration, paint and wallpaper goods, a balloon store, an occult shop, neighbourhood information centre, auto garage, blacksmith's, a watchmaker's shop, banquet centre, and a scattering of restaurants.

The older architecture is either two or three stories - a comfortable, human scale - with retail space on ground floors and residential units above. These buildings generally appear to be solidly constructed with uncomplicated exterior ornamentation, usually decorative mouldings around windows on the upper stories.

Street blocks are intersected at frequent intervals by residential roads and back laneways. Business signage is not obtrusive but it is often dilapidated or ineffective.

On the negative side, Barton Street currently holds a number of properties owned by absentee landlords. Buildings are deteriorating and neglected which creates an atmosphere of degeneration throughout the area. The street appears to function more as a vehicle conduit than an intimate lifeline of its immediate neighbourhood.

Redevelopment goals are focused on neighbourhood economic development through:

- a) facade and interior improvements to satisfy building code requirements and maintenance needs;
- b) streetscaping to improve safety, access for the disabled and the regulation of traffic flow;
- c) events programming and marketing initiatives.

The Barton Street Business Improvement Area Association has decided to focus on re-creations of 1920's and '30's cultural influences (social and artistic).

III MURAL PROGRAMME

Mural Programme Guidelines

1. Co-ordination:
 - Through the Barton Street BIA, a project co-ordinator has been hired to work out of the office at 405 Barton Street East.
 - A monitoring function will be provided by the Barton St. Revitalization Committee.
 - Since other streetscaping improvements will be addressed by the Public Works Department, more benefit will be derived from a co-ordinated design approach. For example, lighting installation could highlight the murals' visibility and act as a deterrent to vandalism.
2. Number/Locations:
 - It is recommended that three sites for murals be chosen by the Barton Street Revitalization Committee in the first year of the programme.
 - If required by choice of sites (private property), building owners will be asked for approval of the installation of murals. Owners will be invited to participate on the selection committee.
3. Competition:
 - A call for entry will be advertised, open to visual artists in the Hamilton region who have experience in mural-making. The call for entry will announce the theme, locations, design requirements, submission deadline and any other necessary criteria.
 - Artists will choose one of two locations and create a design for that location.
 - A selection committee will be established; members of this committee will include two professional visual artists, BIA representative, the City Arts Co-ordinator, any affected property owners and neighbourhood residents.

4. Theme: • Subject matter chosen by the artists for their mural proposals should celebrate the people, events and environment of Hamilton.
5. Time Frame • June 6, 1995 hiring of project co-ordinator; approval of sites, budget allocations; competition guidelines
- June 25 announcement of competition/call for entry
- July 26 deadline for entries
- July 28 Selection Committee Meeting
- September 16 Completion of murals, unveiling reception
6. Budget • 2 Artists' Commissions: \$5,000. each
- Programme expenses: \$2,500.
- Total: \$12,500.
7. Process • Three potential locations have been identified. The first two locations are preferred. The third location is noted as an alternative. The owners of those businesses will be approached for consent to erect mural panels on the exterior walls of their buildings.
- A recommendation will be sent to Planning and Development Committee to allocate the \$20,000. from the primary revitalization project budget for the murals and sign programme.
- Specifications for the murals and signs projects will be detailed in the call for entry and project brief.

IV ARTIST-DESIGNED SIGNS

1. Co-ordination • Initially, staff will act as primary contact to facilitate linking of artists and business owners. BIA members will each deal directly with their chosen artist to co-ordinate sign and, if desired, facade design elements.
2. Resources • A resource list of established, professional local artists will be compiled for distribution.
- A slide presentation of various artists' work will be assembled, available for showing to groups of business owners.
3. Budget • The Revitalization Programme will provide \$7,500. from the murals allocation to partially subsidize the development of artist-designed signs. Property owners would be expected to contribute up to fifty percent of the sign costs.

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **SEVENTEENTH** Report for 1995 and respectfully recommends:

1. (a) That the City resolve Ontario Court (General Division) Action No. 26210/91 by the payment to the Plaintiff, Wayne Horning, of the sum of \$3,000. inclusive of damages, interest and costs; and,

 (b) That the Plaintiff be required to execute a Full and Final Release satisfactory to the City Solicitor; and,

 (c) That Ontario Court (General Division) Action No. 26210/91 be dismissed without costs.
2. (a) That the City of Hamilton resolve Ontario Court (General Division) Action # 29600/91 by the payment to the Plaintiff, Joan Meredith Pendlebury, of the sum of \$26,682.19 inclusive of damages, interest and costs; and,

 (b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,

 (c) That Ontario Court (General Division) Action # 29600/91 be dismissed without costs.
3. (a) That the City of Hamilton resolve Ontario Court (General Division) Action # 25049/91 by accepting from the Defendants the sum of \$46,325.68 in full satisfaction of all claims for damages, interest and costs; and,

 (b) That the Mayor and City Clerk be authorized to execute a Full and Final Release in this matter in a form satisfactory to the City Solicitor; and,

 (c) That Ontario Court (General Division) Action # 25049/91 be dismissed without costs.

4. (a) (i) That the City agree to indemnify the Regional Municipality of Hamilton-Wentworth with respect to third party claims arising out of the actions of Regional employees engaged in work on behalf of the City of Hamilton, and further, to indemnify the said Regional employees in the same fashion, and on the same terms, as apply to City employees pursuant to City of Hamilton By-Law No. 90-089; and,
 - (ii) That the City of Hamilton extend full co-operation to the Region on third party claims involving work done on behalf of the Region by City employees, including making available Claims Investigation Reports prepared by the City, and requested by the Region, on the understanding that the Regional Municipality agrees to indemnify and save harmless the City from any damages, costs, or consequences resulting from the release to any third party of a copy of a Claims Investigation Report provided by the City of Hamilton; and,
 - (iii) That notwithstanding the foregoing, each municipality shall remain solely responsible for any damages or claims arising out of the operation of any motor vehicle owned by it, or operated by its employees in the scope of their employment; and,
 - (iv) That notwithstanding the foregoing, each municipality shall remain solely responsible for any Workers Compensation claims, Short or Long Term Disability claims or other benefits claims, with respect to its own employees; and,
 - (b) That the Region be requested to indemnify the Corporation of the City of Hamilton and its employees engaged in work on behalf of the Region as per the above; and,
 - (c) That this Resolution is effective upon the passage of a reciprocal indemnity agreement by the Regional Municipality.
5. (a) That approval be given to the organizers for the 1995 National Road Cycling Championships to use the City Hall Forecourt on Sunday, 1995 August 27, between the hours of 1:00 o'clock p.m. to 5:00 o'clock p.m., for the start and finish of the 1995 National Cycling Championships; and,
 - (b) That the City Clerk be granted authority to approve similar use in future years, provided it does not interfere with any other activity.

6. That Aldermen D. Wilson, D. Drury and F. Eisenberger be appointed members of the Bingo Hall Review Committee, to review and consider applications for the establishment of new bingo halls and the upgrading or relocating of existing bingo halls in the City of Hamilton, pursuant to the Provincial Criteria and Procedures for Bingo Halls.
7. That approval be given to the Croatia Day Committee to fly the Croatian Flag at City Hall on Tuesday, 1995 May 30.
8.
 - (a) That approval be given to the Bahá'i Community of Hamilton to use the City Hall Forecourt from Monday, 1995 July 17 until Sunday, 1995 July 23 between the hours of 8:30 o'clock a.m. until 4:30 o'clock p.m., for a display and serving of refreshments; and,
 - (b) That the City Clerk be granted authority to approve similar use in future years, provided it does not interfere with any other activity.
9.
 - (a) That approval be given to the North Hamilton Community Health Centre for the use of the City Hall Forecourt on either Friday, 1995 September 29 or Monday, 1995 October 2, between the hours of 8:00 o'clock a.m. until 4:00 o'clock p.m., to set up booths for the launching of Community Health Week; and,
 - (b) That the City Clerk be granted authority to approve similar use in future years, provided it does not interfere with any other activity.
10.
 - (a) That the Treasurer and the City Solicitor prepare the necessary documentation and the City enter into an extension agreement pursuant to The Municipal Tax Sales Act, 1984, with the owner of 68 Hillyard Street (care of the Public Trustee), for the repayment of outstanding realty taxes by equal monthly payments to a maximum time period of 72 months; and,
 - (b) That the City be authorized to enter into Extension Agreements, if required, in a form satisfactory to the City Solicitor and the City Treasurer pursuant to Section 8 of the Municipal Tax Sales Act, with the owners of the following properties to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on 1994 June 28:

- (i) 14 Dalkeith
- (ii) 118 Jackson East
- (iii) 262 Wellington North
- (iv) 247 Gibson
- (v) 26 Glenburn
- (vi) 19 John Street South
- (vii) 802 Cannon Street East
- (viii) 1394 King Street East
- (ix) 74 Wentworth Street South

- (c) That the By-law to authorize the said Extension Agreements be enacted by Council; and,
- (d) That the Mayor and City Clerk be authorized to execute the aforesaid by-law and extension agreements.

11. That purchase orders be issued for the supply and delivery of Gasoline and Diesel Fuels to various City Departments as and when required to 1998 June 30, in accordance with specifications issued by the Manager of Purchasing, Public Transport/HSR and Vendors' tenders, and be financed through various approved accounts, as follows:

- (a) Esso Imperial Oil, Willowdale
 Diesel #2 Regular and #1 Premium \$0.4040 per litre
- (b) Shell Canada, North York
 Gasoline Unleaded \$0.4958 per litre
 Premium \$0.5513 per litre

12. That a purchase order be issued to Aero Mode Ltd., Montreal and Toronto, to supply and deliver fatigue uniforms as and when required by the Hamilton Fire Department during 1995. This is the lowest of three tenders received in accordance with specifications issued by the Assistant Manager of Purchasing and Vendor's tender. The expenditure is to be financed through Uniforms, Clothing Account No. CH 56104 48001, as follows:

- (a) Short Sleeve Shirts (each) \$25.
 - (b) Trousers (each) \$33.
 - (c) Uniforms Jackets (each) \$47.
- All taxes extra

13. That the listing of Appointments To and Terminations from Permanent Positions with the Corporation of the City of Hamilton to 1995 June 9, attached herewith and marked Appendix "A", be approved.
14. That the following Administrative Assistant IV positions be retitled from Administrative Assistant IV to Administrative Assistant III and be reclassified from Salary Level "Q" to Salary Grade "P" of the Non-Union Salary Schedule, retroactive to 1992 November 16th.
 - (a) Administrative Assistant III (Arenas & Technical Services)
 - (b) Administrative Assistant III (Community Services)
 - (c) Administrative Assistant III (Cultural Division)
15.
 - (a) That a purchase order be issued to Family Services of Hamilton-Wentworth Inc. to provide services for the Employee Assistance Program, effective 1995 August 1, for a fee of \$6,283.33 per month, to be funded from Account No. 142300-57723 Employee Assistance, City; and,
 - (b) That the agreement be subject to modification effective 1995 October 1 to reflect a monthly fee of \$3,141.67 for funding of a reduced program in the event a cost-sharing arrangement with the employees is not obtained; and,
 - (c) That the Commissioner of Human Resources be authorized and directed to enter into an agreement between the Corporation of the City of Hamilton and Family Services of Hamilton-Wentworth to provide services for the Employee Assistance Program, upon the employer/employee cost-sharing arrangements being established; and,
 - (d) That the Chief Administrative Officer and City Clerk be authorized and directed to execute the agreement outlined in recommendation (c) in a form satisfactory to the City Solicitor.
16.
 - (a) That the City purchase a 1/2 page space in the Special Commemorative Issue of the Hamilton and District Chamber of Commerce's publication Panorama, to congratulate the Chamber on its 150th Birthday, at a cost not to exceed \$350.; and,
 - (b) That funds for this purchase be charged to the City's Advertising Account Number CH 56302 12001.

17. (a) That the tax arrears, accumulated penalties and interest applicable to the following properties as of the tax sale date of 1995 May 23, be deleted from the tax rolls and charged to the Reserve for Property Purchases:
 - (i) 411 Britannia Avenue
 - (ii) 648 Barton Street East
 - (iii) 11 Arthur Avenue South
 - (b) That the Director of Property be authorized to proceed with the sale of these properties in accordance with the Realty Sales Procedural By-Law No. 95-049 if they are not required for municipal purposes; and,
 - (c) That the costs associated with securing and/or maintaining these properties be charged to the Reserve for Property Purchases and any subsequent recoveries upon disposition be credited back to the Reserve.
-
18. (a) That City of Hamilton Procedural By-law No. 82-203 be amended to provide for the following:
 - (i) To expand the reason for the Acting Mayor to serve in place and stead of the Mayor to include "or other cause" in addition to illness. This would also include the Acting Mayor being unable to act due to illness "or other cause"; and,
 - (ii) To remove the requirement for an Alderman to serve on Council for at least seven months before being appointed as Acting Mayor; and,
 - (iii) To remove reference to the meetings of Council in the months of June, July, August, September and December being on a particular Tuesday of each of those months in order to provide flexibility to Council in choosing meeting days for those months; and,
 - (iv) To request written notice to be delivered to each Council Member at least "24 hours" before the meeting instead of at least "one day" before the meeting as currently provided for when calling Special Meetings of Council; and,
 - (v) To require the Clerk to be in attendance at all times in order to constitute a legal Council meeting; and,
 - (vi) To require One reading of the Bills; and,

- (vii) To require all new business not included in the pre-printed Council agenda to require the invoking of Rule 9 to place it before Council for consideration including new business from a Committee; and,
 - (viii) To amend the funding requirements for funding not provided for in the approved budgets; and,
 - (ix) To allow the reconsideration rule not to apply to any matter re-submitted to Council by a Standing Committee who submitted the matter initially; and,
 - (x) To require that Notices of Motion are printed in the agenda of the next subsequent meeting of Council and when a Notice of Motion is not proceeded with by the mover after three consecutive meetings, that it be deemed to have been withdrawn; and,
 - (xi) To specify that points of order or procedure not provided for in the Procedural By-law be decided in accordance with the established practice of Council if not provided for in Bourinot's Rules of Order; and,
 - (xii) To state that no Committee shall deal with any matter outside municipal jurisdiction; and,
 - (xiii) To state that negative recommendations need not be forwarded to Council by the Standing Committees unless legislatively required or if desired by the Committee; and,
 - (xiv) To require written submissions from proposed delegations at least seventy-two hours before the time of the committee meeting; and,
 - (xv) To summarize the duties of the Standing Committees; and,
 - (b) That the City Solicitor be authorized and directed to prepare the appropriate amending By-law.
19. (a) That the City of Hamilton Licence By-law No. 93-069, Schedule 4, respecting Taxicabs, be amended to permit rear window advertising in Taxicabs, on a six month trial basis, effective 1995 June 30,; and,
- (b) That the City Solicitor be authorized and directed to prepare the appropriate By-law amendment.

20. (a) That the City of Hamilton By-law No. 93-069, Schedule 16, respecting the licensing, regulating and governing of refreshment vehicles, be amended to provide for the following:
- (i) (1) The definition of a refreshment vehicle to include a refreshment cart, refreshment cycle and motorized refreshment vehicle; and,
 - (2) The definition of an eating establishment to mean a building or premise where food is prepared and offered for sale and consumption either therein or elsewhere; and,
 - (3) All reference to driver's duties and responsibilities be replaced by operator's duties and responsibilities; and,
 - (ii) (1) That the owner and/or operator of the refreshment vehicle comply with all the regulations in the by-law; and,
 - (iii) That the by-law also provide for the following:
 - (1) An annual inspection of the refreshment vehicle by the Licence Division and Environmental Health; and,
 - (2) The business name and City of Hamilton licence affixed in a position, approved by the Licence Division; and,
 - (3) The owner of a licensed eating establishment be permitted to operate his own licensed refreshment cart, as an auxiliary use to his business; and,
 - (4) A licensed refreshment vehicle to operate within 100 yards of an eating establishment or a City park, if there is prior written approval from the owner(s) of the eating establishment(s) or the appropriate City authority; and,
 - (5) Upon request by the City, the licence holder to provide written permission to locate on private property; and,
 - (6) All refreshment cycles to comply with the regulations of the Highway Traffic Act; and,
- (b) That the City Solicitor be authorized and directed to prepare the appropriate amending By-law.

21. (a) That the City of Hamilton By-law No. 93-069, Schedule 8, respecting Eating Establishments, be amended to provide for the following:
- (i) A new classification of "restaurant take-out", defined as a building or premise where food is prepared; offered for sale, but consumed elsewhere, and no seating accommodation is provided; and,
 - (ii) The deletion of the requirement for a public hall licence in an eating establishment, if dancing and/or entertainment is provided as an incidental use to the business; and,
- (b) That the City Solicitor be authorized and directed to prepare the appropriate amending By-law.
22. (a) That City Council accept the Letter of Resignation dated 1995 June 13 from Ward 5 Alderman Dominic Agostino, effective 1995 June 8; and,
- (b) That City Council declare the Ward 5 Aldermanic Seat vacant in accordance with Section 43 of the Municipal Act, R.S.O. 1990; and,
- (c) That a By-Election be held in accordance with Section 46 of The Municipal Act, R.S.O. 1990, to fill the Aldermanic vacancy; and,
- (d) That the City Solicitor be authorized to prepare the required By-law to provide for a Ward 5 By-Election.
23. That the L.L.B.O. be advised that the City has no objection to the issuance of a temporary extension of liquor licence for the Texas Border Grill and Boot Bar, 77 King William Street on Sunday, 1995 August 20th on the following conditions:
- (a) That the liquor permit specify a bar closing time of 11:00 o'clock p.m.; and,
 - (b) That the Noise Control Officer be in attendance to monitor noise levels; and,
 - (c) That Texas Border erect double snow fencing around the area where liquor is being sold and consumed; and,
 - (d) That Police Officers be hired by the Texas Border in accordance with the requirements of the Hamilton-Wentworth Regional Police; and,
 - (e) That the Texas Border submit a plan to the Hamilton-Wentworth Regional Police for crowd control and over-capacity; and,

- (f) That the terms and conditions required by The Hamilton Parking Authority in connection with the rental of municipal parking lot #1 be satisfied.
- (g)
 - (i) That the Texas Border Grill and Boot Bar provides the City with a Certificate of Insurance which evidences \$5,000,000. public liability insurance which shall include liquor licence liability; and
 - (ii) That the Certificate of Insurance shall name the Corporation of the City of Hamilton and the Hamilton Parking Authority as additional insureds; and,
 - (iii) That the Texas Border Grill and Boot Bar shall provide for cross-liability and severability.
- 24. That the property at 401-403 King Street West be declared surplus to the requirements of the City in accordance with the Realty Sales Procedural By-law 95-049.
- 25.
 - (a) That approval be given to issue a purchase order to Marsh Energy Inc. of Burlington, Ontario in the amount of \$58,850. inclusive of G.S.T. (\$3,850.) for the preliminary engineering evaluation of alternative site CH-2 (City Hall) for the Central Utilities Cogeneration Plant; and,
 - (b) That as timing is of the essence due to this project being funded through the Canada/Ontario Infrastructure Works Program, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council."
- 26.
 - (a) That authorization be given to establish a purchase order in the amount of \$3,649,427. inclusive of G.S.T. (\$223,886.) for accounting purposes, only becoming effective upon execution of a formal Agreement, prepared by the City Solicitor, between the City and Toromont/Caterpillar of Concord, Ontario for the supply, installation and commissioning of two 3612 engine-generator sets with a nominal output of 2,100 kilowatts for the Central Utilities Cogeneration Plant, this being the lowest of three proposals received in accordance with the specifications issued by the Purchasing Division, Ref:C14-4-95; and,
 - (b) That the Mayor and City Clerk be authorized and directed to execute the said Agreement on behalf of the City; and,

- (c) That the Agreement specify the various stages of engine construction completion at which particular amounts of the total money amount in (a) will be payable, as per a Schedule of Payment to be agreed by the City and Toromont/Caterpillar; and,
 - (d) That the Director of Property be authorized and directed to initiate negotiations with Toromont/Caterpillar for an extended maintenance agreement for the engine-generator sets; and,
 - (e) That as Toromont/Caterpillar offered various options for larger capacity generators along with their base bid proposal which may prove to be beneficial to the City, the Director of Property be authorized to evaluate, along with the City's Consultant, Marsh Energy Inc., the two options submitted and prepare a report for the next scheduled Committee and Council meetings. In the event the City, in its sole discretion decides to pursue the acquisition and installation of such larger capacity generators, then the Agreement referred to in (a) to (c) above would be amended accordingly.
27. (a) That Section 11 (a) and (b) of the Fifteenth Report of the Finance and Administration Committee adopted by City Council at its meeting held 1994 October 11, be rescinded with respect to any references to Andersen Consulting of Etobicoke; and,
- (b) That the Director of Information Systems be authorized to issue a request for proposals for Consulting firms to undertake the operational review portion of the Study of the Information Systems Department.
28. (a) For the information of the members of City Council, the Finance and Administration Committee have appointed the following to serve on the Taxi Advisory Committee for a term to expire 1997 November 30:
- (i) Taxi Brokerage Representatives: Ron VanKleef
Veterans Taxi

Anthony Rizzuto
Blue Line Transportation Ltd.

Paul Devlin
Hamilton Yellow Cab Company Ltd.
 - (ii) Citizen Representatives: Dennis McIndless
Allan Quicke
Marlene Thomas Osbourne

(iii) Taxi Industry Professionals: Bob Bourke
Sandra Lee Keiko Fukumoto
George Hutchinson

(iv) City Council Representatives: Alderman D. Drury
Alderman F. Eisenberger

(b) For the information of the members of City Council, the Finance and Administration Committee have appointed the following citizens be appointed to serve on the Hamilton Farmer's Market Sub-Committee for a term to expire 1997 November 30:

- (i) Bob Lewis
- (ii) Robert Menagh
- (iii) Alderman T. Anderson
- (iv) Alderman D. Wilson

29. (a) That the four Street Vendor locations be awarded for the period commencing 1995 June to the end of 1998 December, to the successful proponents, one cart per location, as listed:

<u>NAME</u>	<u>LOCATION</u>	<u>PRODUCT</u>	<u>FEE</u>
Mustafa Ghamishah	N/E Corner of King & Catharine	Sausage/Hot Dogs	\$2,000.
	North side of King E. of James	Sausage/Hot Dogs	\$7,200.
Troy D'Souza	Jarvis Square Clock Tower	Sausage/Hot Dogs	\$1,080.
	Victoria and Barton	Sausage/Hot Dogs	\$ 780.

(b) That this approval be subject to confirmation of the following:

- (i) That the products offered for sale are approved by the Hamilton-Wentworth Regional Health Department; and,
- (ii) That the submitted bids remain unchanged following the review by the Health Department; and,
- (c) That the proponents enter into a legal agreement satisfactory to the City; and,
- (d) That the City Solicitor be authorized to execute the agreements.

1995 June 27

30. That leave be granted to introduce the following Bills:

- (a) D-47 A By-law to authorize an Extension Agreement for Payment of Realty Tax Arrears.
- (b) D-48 A By-law to Require an Election to fill a Vacancy in Ward 5.
- (c) D-49 A By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears.
- (d) D-50 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1995 June 20**

1995 June 27

Appendix "A" referred
to in Section 13 of the
SEVENTEENTH Report of the
Finance and Administration
Committee for 1995.

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>STATUS</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Mr. Mike D'Agata	I	Lead Hand Welder (T3)	Fleet	Replacing Mr. M. Bellehumeur - retired, June 30/94	\$48,214.40	May 08/95
Mr. Charles Porter	I	Probationary Communications Fire Operator (N1)		Replacing Ms. S. McCallum - retired, March 31/95	\$36,867.15	May 08/95
Mr. Terry Stephenson	I	Lead Hand/Truck Driver (D17)	Public Works	Replacing Mr. P. Dellerba - terminated Feb. 16/95	\$37,146.72	April 07/95

Prepared June 9, 1995

Status	
Internal	I
External	E

THE CORPORATION OF THE CITY OF HAMILTON

TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Mr. Gerald Cuddy	Manager Business Application Systems	Information Systems	Retired (Early)	24 years, 7 months	June 30/95
Mr. Anthony Diligenti	Truck Driver "A"	Public Works	Terminated	17 years	June 25/95
Mr. Carlyle Gates	Firefighter I	Fire	Retired (Early)	30 years	May 05/95
Mr. Herbert Williams	Cemetery Gardener	Public Works	Deceased	23 years, 9 months	April 17/95

Prepared June 9, 1995

Glossary of Terms

Terminated - long term disability

- discharge
- downsizing
- redundant

Resigned - personal betterment
- personal reasons

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1995 JUNE 27
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL**

B I L L S

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 95-

**TO INCORPORATE CITY LAND
DESIGNATED AS PART 2, PLAN 62R-13389
INTO APPLEBLOSSOM DRIVE**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate a portion of the highway known as Appleblossom Drive within its limits, the land described below;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Appleblossom Drive.

Part Block 30, Plan 62M-710, designated as Part 2, on Plan 62R-13389.

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open as public highway the said land.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D. 1995

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 95-

TO INCORPORATE CITY LAND
DESIGNATED AS BLOCK 5 ON PLAN 62M-590, BLOCK 30 ON PLAN 62M-726
AND PART 14, ON PLAN 62R-13203
INTO BERKINDALE DRIVE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate a portion of the highway known as Berkindale Drive within its limits, the land described below;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Berkindale Drive.

Firstly: Block 5, Plan 62M-590.

Secondly: Block 30, Plan 62M-726.

Thirdly: Part of Lot 2, Registered Plan 772, designated as Part 14, on Plan 62R-13203.

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open as public highway the said land.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this

day of

A.D. 1995

City Clerk

Mayor

BY-LAW NO. 95 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 34 (Sticker Permit Parking)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"Britannia	North	commencing at a point 147 feet east of Kenilworth to Archibald	Anytime
Paling	East	commencing at a point 603 feet south of Barton to a point 27 feet southerly therefrom	Anytime
Park Row	East	commencing at a point 79 feet south of Roxborough to a point 21 feet southerly therefrom	Anytime
Newlands	South	commencing at a point 197 feet west of Cope Street to a point 22 feet westerly therefrom	Anytime
Picton	North	commencing at a point 99 feet west of MacNab to a point 18 feet westerly therefrom	Anytime
Bristol	North	commencing at a point 26 feet east of Sanford to a point 29 feet easterly therefrom	Anytime
Emerald	East	commencing at a point 101 feet north of the southerly end to a point 20 feet northerly therefrom	Anytime
Emerald	West	commencing at a point 93 feet north of the southerly end to a point 23 feet northerly therefrom	Anytime".

and by deleting therefrom the following item, namely:-

"Paling	West	from a point 628 feet south of Barton to a point 23 feet southerly therefrom	Anytime".
---------	------	--	-----------

2. **Schedule 26 (No Parking Areas)** is hereby amended by adding thereto the following items, namely:-

"Riverdale	West	from the north to the south legs of Gainsborough	Anytime
Riverdale	East	Delawana to Jerome	Anytime
Independence	West	Templemead to the south property line of No. 100 Independence	Anytime
Strathcona	West	Main to King	Anytime
Hillcrest	North	Beulah to the east end	Anytime
Mary	East	Simcoe to 70 feet south	Anytime".

(Schedule 26 Cont'd)

and by deleting therefrom the following items, namely:-

"Riverdale	East	Delawana to 184 feet north of Glenburn	Anytime
Avondale	East	Beechwood to 84 ft. north	Anytime
Hillcrest	South	Mountain to easterly end	Anytime
Mary	East	Simcoe to a point 91 feet south	Anytime".

3. **Schedule 27 (Alternate Side Parking)** is hereby amended by deleting therefrom the following items, namely:-

"Strathcona Avenue	West	East
Main Street to King Street		
Hillcrest Avenue		
Chedoke Avenue to Mountain Avenue	North	South".

and by adding thereto the following item, namely:-

"Hillcrest	North	South".
Chedoke to Beulah		

4. **Schedule 25 (Parking Time Limits)** is hereby amended by adding thereto the following items, namely:-

"Bold	South	from the east curb line of Ray to Queen	3 hr	Anytime
Locke	East	commencing at a point 28 feet south of Peter to a point 37 feet southerly therefrom	1 hr	8:00 am - 6:00 pm Mon - Sat
Chestnut	Both	Cannon to Wilson	1 hr	Anytime".

5. **Schedule 37 (Snow Routes)** is hereby amended by deleting therefrom the following items, namely:-

"Avondale	Both	Beechwood	Barton
Beachwood	Both	Gage	Avondale".

PASSED this _____ day of _____ A.D. 1995.

CITY CLERK

MAYOR

BY-LAW NO. 95 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 29 (No Stopping Areas)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following item, namely:-

"Claremont Drive South Easterly end to 103 feet west Anytime".

and by deleting therefrom the following item, namely:-

"Riverdale West commencing at a point 93 feet south
of the south curb line of Jerome to
a point 51 feet southerly therefrom Anytime".

2. **Schedule 10 (Stops at Intersections)** is hereby amended by adding thereto the following items, namely:-

"Carriagegate	Southbound	Parkwood
Parkwood	Eastbound	Grandoaks
Agincourt	Southbound	McAnulty".

3. **Schedule 16 (No Left Turns at Certain Intersections)** is hereby amended by adding thereto the following item, namely:-

"Binkley Southbound Main Anytime".

4. **Schedule 31 (School Bus Loading Zones)** is hereby amended by adding thereto the following item, namely:-

"Queensbury South 196 feet commencing at a point 258 feet 7:00 am - 6:00 pm
west of Upper Ottawa Monday to Saturday".

and by deleting therefrom the following item, namely:-

"Queensbury South 156 feet commencing at a point 258 west 7:00 am - 6:00 pm
of Upper Ottawa Monday to Saturday".

PASSED this day of A.D. 1995.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 9 -

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS LOCATED AT THE REAR OF
MUNICIPAL NOS. 1451, 1459, 1465 AND 1469 UPPER JAMES STREET**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-9D of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District,

the land comprised in Block 1, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of

A.D. 199

CITY CLERK

MAYOR

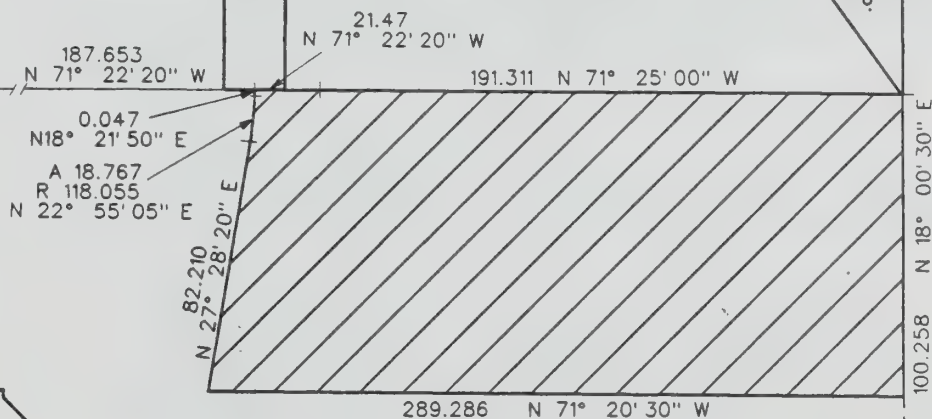
UPPER JAMES STREET

379.701 N 18° 22' 50" E

NORTH WEST CORNER OF
LOT 14 CON. 8LOT 14
CON. 8

DICENZO DRIVE

AQUASANTA CRES.

DIVISION LINE BETWEEN
LOT 14 AND LOT 13

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 95-.....
Passed the day of, 1995.

Clerk

Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 95-.....
to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in zoning from:

"AA" (Agricultural) District to "C" (Urban
Protected Residential, etc.) District.

North

Scale
Not to ScaleDate
JUNE 1995Reference File No.
ZA-90-13Drawn By
R.L.

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend:

Zoning By-law No. 6593

Respecting:

**DEFINITIONS OF "LODGING HOUSE", "HOSTEL", "HOTEL",
"RESIDENTIAL CARE FACILITY", "SHORT-TERM CARE FACILITY"
and "TOURIST HOME"**

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 2 of the 13th Report of the Planning and Development Committee at its meeting held on the 9th day of May 1995, recommended that By-law No. 6593 be amended to provide for a general text amendment to the said by-law with respect to the definitions of "lodging house", "hostel", "hotel", "residential care facility", "short-term care facility" and "tourist home", as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 2.(2)A.(xii) of Zoning By-law No. 6593 is amended by deleting the existing definition of "lodging house" and replacing it with the following:

"**Lodging House**" shall mean a dwelling or building or portion thereof in which lodging is provided for more than 3 persons for remuneration, or the provision of services or both, and the lodging rooms do not have bathrooms and/or kitchen facilities for the exclusive use of individual occupants, but shall not include the following:

- i) a hostel;
- ii) a hotel;
- iii) a public or private hospital;
- iv) a nursing home;
- v) a home for the aged or a home for elderly persons;
- vi) a tourist home;
- vii) a residential care facility; and,
- viii) a short-term care facility,

where such facilities are licensed, approved or supervised under a general or special Act other than the Municipal Act."

2. Subsection 2.(2)A.(x) of Zoning By-law No. 6593 is amended by adding the words "lodging house" after the phrase "except a" in the fourth line of the definition, so that the definition of "Hostel" shall read as follows:

"Hostel" shall mean and include every establishment in which men only or women only are harboured, received or lodged for hire for a single night or for less than a week at one time, except a lodging house, hotel, tourist home, or private hospital;"

3. Subsection 2.(2)A.(xi) of Zoning By-law No. 6593 is amended by adding the words "lodging house" after the phrase "shall not include a" in the third line of the definition, so that the definition of "Hotel" shall read as follows:

"Hotel" shall mean and include any hotel within the meaning of The Hotel Registration of Guests Act or The Liquor Licence Act, but shall not include a lodging house, hostel, tourist home, or apartment hotel;*

* Section 1 of The Hotel Registration of Guests Act defines "hotel" as follows:

"In this act, 'hotel' means a separate building or two or more connected buildings used mainly for the purpose of catering to the needs of the travelling public by the supply of food and also by the furnishing of sleeping accommodation of not less than six bedrooms as distinguished from any other building or connected buildings used mainly for the purpose of supplying food and lodging by the week or otherwise commonly known as 'boarding houses' or of furnishing living quarters for families and having a dining-room or restaurant commonly known as 'apartment houses' or private hotels'."

4. Subsection 2.(2)A.(xiiaa) of Zoning By-law No. 6593 is amended by adding the words "lodging house" after the words "foster home" in the second last line of the definition, so that the definition of "Residential Care Facility" shall read as follows:

"Residential Care Facility" means a fully detached residential building occupied by a maximum number of supervised residents as permitted by a district, exclusive of staff, residing on the premises as a group because of social, emotional, mental or physical handicap or personal distress for the purpose of achieving well-being through either one or more programs of self-help, professional care, guidance, supervision not otherwise beneficially available within the resident's own family or if the resident were residing on the premises where,

- (a) the residents are referred to the facility by a hospital, court or government agency; or
- (b) the facility received all or part of its non-capital funds from a government; or
- (c) the facility is licensed, approved or supervised under any Federal or Provincial statute or a Municipal by-law,

but does not include a foster home, lodging house, sanatorium, nursing home or home for the aged;"

5. Subsection 2.(2)A.(xiiaaa) of Zoning By-law No. 6593 is amended by adding the words "lodging house" after the words "foster home" in the second last line of the definition, so that the definition of "Short-Term Care Facility" shall read as follows:

"**Short-Term Care Facility**" means a fully detached residential building occupied by a maximum number of supervised residents as permitted by a district, exclusive of staff or a part residential building occupied wholly as to the residential portion of the building by a maximum number of residents as permitted by a district, exclusive of staff, who individually require immediate shelter and assistance for a period normally not exceeding two weeks where,

- (a) the residents are referred to the facility by a hospital, court or government agency; or
- (b) the facility received all or part of its non-capital funds from a government; or
- (c) the facility is regulated by or supervised under any Federal or Provincial statute or a Municipal by-law,

but does not include a foster home, lodging house, sanatorium, nursing home or home for the aged;"

6. Subsection 2.(2)A.(xiv) of Zoning By-law No. 6593 is amended by adding the words "lodging house" after the words "except a" in the last line of the definition, so that the definition of "Tourist Home" shall read as follows:

"**Tourist Home**" shall mean a dwelling in which men and women are harboured, received or lodged for hire for a single night or for less than a week at one time, except a lodging house, hotel or private hospital."

7. In all other respects, By-law No. 6593, as amended, is hereby confirmed, unchanged.

8. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1995

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend:

Zoning By-law No. 6593
as Amended by Zoning By-laws No. 85-171, 85-230 and 89-115

Respecting:

**LANDS LOCATED AT
MUNICIPAL NOS. 986-998 UPPER WENTWORTH STREET**

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 85-171 on the 27th day of August 1985 to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593, for the "HH" District, in respect of the lands located on the west side of Upper Wentworth Street, between Mohawk Road East and Limeridge Road East, in the vicinity of Kingfisher Drive, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A"; which by-law was approved by the Ontario Municipal Board by Order dated the 14th day of January 1986, (File No. R 850477);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 85-230 on the 29th day of October 1985 to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593, for the "HH" District, in respect of the land located at Municipal No. 986 Upper Wentworth Street, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law was approved by the Ontario Municipal Board by Order dated the 26th day of February 1986, (File No. R 860022);

AND WHEREAS an appeal was heard by the Ontario Municipal Board on the 13th day of February 1989 and the appeal allowed by Decision dated the 1st day of March 1989, and by Order dated the 1st day of March 1989, By-law No. 6593 was amended to permit certain commercial uses on the lands located at Municipal Nos. 986 to 998 Upper Wentworth Street, and By-law No. 89-115 was assigned to the amendment for record-keeping purposes;

WHEREAS the Ontario Municipal Board, in its Order dated the 18th day of April, 1995 (File No. Z 940044), allowed an appeal in part with respect to the property, the extent and boundaries of which are shown on Schedule "A" hereto annexed and forming part of this by-law, and amended Zoning By-law No. 6593 as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "HH" (Restricted Community Shopping and Commercial) District provisions as contained in Section 14A of By-law No. 6593, as amended by Bylaws No. 85-230 and 89-115, applicable to the lands, the extent and boundaries of which are shown as Blocks 1 and 2 on a plan hereto annexed as Schedule "A", are further amended to the extent only of the special requirements that,

- (a) Sections 2.(a)(ii) and 2.(b)(ii) of By-law No. 89-115 are deleted;
- (b) the clause "provided that the said restaurant or refreshment room and the said tavern shall occupy an area no larger than 3,000 square feet in area and shall be operated as one unit only" is deleted from Sections 2.(a) and 2.(b) of By-law No. 89-115;
- (c) the clause "provided that the gross floor area shall not exceed 1826.0 m² of the building existing on the date of passing this By-law." is added to Sections 2.(a)(i) and 2.(b)(i) of By-law No. 89-115.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "HH" District provisions, subject to the special requirements referred to in section 2 of By-law No. 89-115 and section 1 of this by-law.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedules S-922d and S-936b.

4. Sheet No. E-18A of the District Maps is amended by marking the lands referred to in section 1 as Blocks 1 and 2, S-936b and S-922d, respectively.

5. In all other respects, By-law No. 89-115 is hereby confirmed, unchanged.

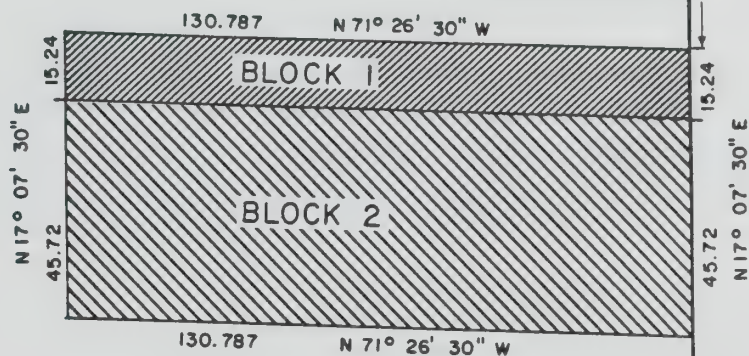
PASSED this day of

A.D. 1995

CITY CLERK

MAYOR

Ontario Municipal Board Order,
dated April 18, 1995
645437 Ontario Limited, (A. Barzilay), Owner
ZAR-93-37



UPPER WENTWORTH STREET

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 95-.....
Passed the day of, 1995.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 95-.....
to Amend By-Law No. 6593

Planning and Development Department

Legend

BLOCK 1



Further modification to the
"HH" (Restricted Community
Shopping and Commercial,
etc) District.

BLOCK 2



North



Scale
Not to Scale

Date
MAY 1995

Reference File No.
ZAR-93-37

Drawn By
Z.K.

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO.95-

TO AUTHORIZE AN EXTENSION AGREEMENT

FOR PAYMENT OF REALTY TAX ARREARS

WHEREAS the Municipal Tax Sales Act, R.S.O. 1990, c.M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

AND WHEREAS the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

AND WHEREAS, pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

AND WHEREAS, the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

AND WHEREAS, The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

AND WHEREAS the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date of Schedule "A" attached hereto.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.

(b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and City Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.
2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

- (a) that the Extension Agreement does not reduce the amount of the Cancellation Price.
 - (b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.
 - (c) that any person may pay the Cancellation Price at any time.
 - (d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.
 - (e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement.
3. As also provided in the Municipal Tax Sales Act,
- (a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.
 - (b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

PASSED this day of 1995, A.D.,

CITY CLERK

MAYOR

SCHEDULE "A"
EXTENSION AGREEMENTS

A)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	14 Dalkeith 04 02850 4780 PLAN 562 PT LOT 122 16 SEPT 94 VM194094 16 SEPT 95 \$9,951.26
B)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	19 JOHN ST SOUTH 02 01510 6340 PT LOT 25 LOT 26 02 SEPT 94 VM194149 02 SEPT 95 \$97,763.21
C)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	118 JACKSON ST E 02 01445 2610 PLAN 1431 PT LOT 50 02 SEPT 94 VM193148 02 SEPT 95 \$45,467.10
D)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	802 CANNON ST E 03 02640 1270 PLAN 477 PT LOT 88 16 SEPT 94 VM194093 16 SEPT 95 \$7,781.00
E)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	262 WELLINGTON ST N 03 02155 0280 PLAN 286 PT LOT 13 14 SEPT 94 VM193761 14 SEPT 95 \$10,598.29
F)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	1394 KING ST E 04 02930 6070 PLAN 548 PT LOT 91 & 92 14 SEPT 94 VM193765 14 SEPT 95 \$45,306.76
G)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	247 GIBSON AVE 03 02350 2200 PLAN 245 PT LOT 77 16 SEPT 94 VM194090 16 SEPT 95 \$8,187.39
H)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	74 WENTWORTH ST S 03 02070 6530 REG COMP PLAN 1360 LOT 88 22 SEPT 94 VM194465 22 SEPT 95 \$13,468.75
I)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	26 GLENBURN CRT 05 04630 3418 WENTWORTH CONDO PLAN 13 LEVEL 1 UNIT 17 22 SEPT 94 LT371560 22 SEPT 95 \$6,280.48

BY-LAW NO. 95-

To Require:

AN ELECTION TO FILL A VACANCY IN WARD 5

WHEREAS a member of the Council of The Corporation of the City of Hamilton for Ward 5 was elected a member of the Legislative Assembly of the Province of Ontario on June 8, 1995;

AND WHEREAS Section 9 of the Legislative Assembly Act, R.S.O. 1990, Chapter L.10 provides as follows:

9. (1) Subject to subsection (2), a member of the Assembly is not eligible to hold office as a member of the council of a municipality, including a district, metropolitan or regional municipality, or as a member of a local board, as defined in the Municipal Affairs Act of such a municipality.
- (2) Every person who is elected a member of the Assembly while holding an office referred to in subsection (1) may continue to hold such office, notwithstanding any other Act, until the end of the day on which the return of the election of such person to the Assembly is published in The Ontario Gazette under Section 82 of the Election Act, at which time he shall be deemed to have resigned such office;

AND WHEREAS Section 82 of the Election Act provides as follows:

82. The Chief Election Officer, on receiving the return of a member elected to the Assembly, shall give notice of the receipt of the return in the next ordinary issue of The Ontario Gazette, the date of such receipt and the name of the candidate elected;

AND WHEREAS paragraph 3 of subsection 37 of the Municipal Act, R.S.O. 1990, Chapter M.45 provides as follows:

37. (1) The following are not eligible to be elected a member of a council or to hold office as a member of a council:
 3. A member of the Assembly as provided in the Legislative Assembly Act or of the Senate or House of Commons of Canada;

AND WHEREAS subsection 46 (1) of the said Municipal Act provides as follows:

46. (1) Subject to subsection (3), where a vacancy occurs in the office of a member of the council of a local municipality, the council may by by-law require an election to be held to fill the vacancy and where the council passes such a by-law the clerk of the municipality shall hold a new election to fill the vacancy in accordance with Section 108 of the Municipal Elections Act;

AND WHEREAS subsection 46 (3) of the said Municipal Act allows for a vacancy to be filled by election where the vacancy occurs prior to the 31st day of March in a municipal election year;

AND WHEREAS the vacancy will occur in the office of a member of Council for Ward 5 upon the deemed resignation from municipal office in accordance with the Legislative Assembly Act;

AND WHEREAS it is desirable to hold an election to fill the vacancy consequent upon the said deemed resignation;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. It is hereby required that an election shall be held to fill the vacancy in the office of Alderman for Ward 5.
2. The City Clerk is hereby authorized and directed to do all things necessary to give effect to this By-law.

PASSED this _____ day of _____, 1995.

CITY CLERK

MAYOR

(1995) 17 R.F.A.C. 24, June 27

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO.95-

TO AUTHORIZE AN EXTENSION AGREEMENT

FOR PAYMENT OF REALTY TAX ARREARS

WHEREAS the Municipal Tax Sales Act, R.S.O. 1990, c.M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

AND WHEREAS the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

AND WHEREAS, pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

AND WHEREAS, the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

AND WHEREAS, The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

AND WHEREAS the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date of Schedule "A" attached hereto.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.

(b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and City Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.
2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

(a) that the Extension Agreement does not reduce the amount of the Cancellation Price.

(b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.

(c) that any person may pay the Cancellation Price at any time.

(d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.

(e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement.

3. As also provided in the Municipal Tax Sales Act,

(a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.

(b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

PASSED this day of 1995, A.D.,

CITY CLERK

MAYOR

SCHEDULE "A"
EXTENSION AGREEMENTS

PROPERTY ADDRESS	68 HILLYARD STREET
SERIAL NUMBER	03 02240 5380
BRIEF LEGAL DESCRIPTION	PLAN 32 PT LOT 164
DATE OF REGISTRATION	NOVEMBER 29, 1994
INST # OF TAX ARREARS CERTIFICATE	VM199744
REDEMPTION DATE	NOVEMBER 29, 1995
TOTAL ARREARS	\$8,331.93

BY-LAW NO. 95 -

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 27TH DAY OF JUNE A.D., 1995.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 27th day of June A.D. 1995

CITY CLERK

MAYOR

CA40NHBL A05
A31

1995



**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**Tuesday, 1995 July 11
7:30 o'clock p.m.
Council Chambers, City Hall**

**J. J. Schatz
City Clerk**

A G E N D A

- 1. National Anthem.**
- 2. Opening Prayer:**

Captain Kevin Moore
The Salvation Army
- 4. Adoption of the minutes of the meeting held 1995 June 27.**
- 5. Correspondence\Petitions.**
- 6. Reports of the Standing Committees:**
 - (a) Transport and Environment Committee
 - (b) Parks and Recreation Committee
 - (c) Planning and Development Committee
 - (d) Finance and Administration Committee
 - (e) Report of His Worship Mayor Robert M. Morrow
- 7. Notices of Motion for next meeting.**
- 8. First Reading of the Bills.**
- 9. Second Reading of the Bills - Committee of the Whole.**
- 10. Third Reading of the Bills.**
- 11. Question Period.**
- 12. Adjournment.**

MINUTES

Minutes of Hamilton City Council
Tuesday, 1995 June 27
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor Morrow.
Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Drury, Wilson, Copps,
Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross.

Mayor R. M. Morrow called the meeting to order.

* * * * *

The National Anthem was played.

* * * * *

Major Garnett Cassell, Salvation Army Family Services led Council in prayer.

<p>PRESENTATION</p>

Mayor R. M. Morrow presented Constance Dowler with the Municipal Senior of the Year Award.

* * * * *

Mayor R. M. Morrow congratulated former Alderman Dominic Agostino on his recent election to the office of M.P.P. for Hamilton East. Former Alderman Agostino then addressed the Council and expressed appreciation to his Council colleagues and staff for his eight years on City Council.

* * * * *

Alderman M. Caplan presented to the City of Hamilton a plaque on behalf of the Hamilton-Wentworth Council Smoking and Health.

* * * * *

ADOPTION OF MINUTES

The minutes of the meeting held 1995 May 30 were adopted as circulated.

CORRESPONDENCE

1. Letter dated 1995 June 13 from Alderman Dominic Agostino re: Letter of resignation as a Member of City Council.

Received.

2. Letter dated 1995 May 30 from R. Scott Smith, Secretary to the Board of Commissioners, The Hamilton Harbour Commissioners re: Financial Statements for the year ended 1994, December 31.

Received.

3. Zoning Application dated 1995 May 30 from Community Adolescent Network of Hamilton, Hamilton, Ontario for an Official Plan Amendment to establish a "Special Policy Area" to allow general offices within a "Residential" designation, and for a modification to the "L-mr-2" (Planned Development - Multiple Residential) District regulations for property located at No. 121 Augusta Street, Hamilton, Ontario.

Received.

4. Zoning Application dated 1995 June 6 from Chedoke Health Corporation, c/o Lazier, Hickey, Langs, O'Neal, for a further modification to the "DE" (Low Density Multiple Dwellings) District regulations for lands located at the south-west corner of Chedmac Drive and Rice Avenue, Hamilton, Ontario.

Received.

5. Zoning Application dated 1995 June 12 from 712169 Ontario Ltd., c/o Homes by Malatesta, Hamilton, Ontario for a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District for lands located at No. 1232 Upper Gage Avenue, Hamilton, Ontario.

Received.

6. Letter undated received 1995 June 23 from Dan Fournier, Ward 5 resident urging Council to appoint a person for filling the vacancy as opposed to holding a By-Election.

Received.

7. Letter undated received 1995 June 27 from Jason Parker, 160 Country Club Drive urging Council to appoint a person for filling the vacancy as opposed to holding a By-Election.

Received.

8. Letter undated received 1995 June 27 from Brenda Sutherland, 160 Country Club Drive urging Council to appoint a person for filling the vacancy as opposed to holding a By-Election.

Received.

9. Letter dated 1995 June 19 from Lynda Cameron, 227 Summerhill, urging Council to appoint a person for filling the vacancy as opposed to holding a By-Election.

Received.

10. Letter dated 1995 June 22 from Monica Mulligan, 91 Burriss Street urging Council to appoint a person for filling the vacancy as opposed to holding a By-Election.

Received.

11. Letter undated from Tom Morrison, 100 St. Andrews Court, #15, urging Council to appoint a person for filling the vacancy as opposed to holding a By-Election.

Received.

12. Letter dated 1995 June 22 from Gayle Mulligan, 91 Burriss Street, urging Council to appoint a person for filling the vacancy as opposed to holding a By-Election.

Received.

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, and the Finance and Administration Committee, be considered in Committee of the Whole with Alderman Copps in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - EIGHTH REPORT
--

Section 17 Re: Parking Permit - Picton Street West

It was moved by Alderman Merling and seconded by Alderman Morelli that Section 17 of the Eighth Report of the Transport and Environment Committee for 1995 be referred back.

CARRIED.

* * * * *

Section 37(a) Re: School Crossing Guard - Trevi/Greenshire Drive

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, Jackson, Merling, Anderson. -14.

NAYS: Aldermen D'Amico, Ross. -2.

CARRIED.

* * * * *

Section 43 Re: Rule No. 8

It was moved by Alderman Merling and seconded by Alderman Anderson that Rule No. 8 of the City's Procedural By-law No. 82-203 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting parking regulations on Robson Crescent.

CARRIED.

* * * * *

It was moved by Alderman Merling and seconded by Alderman Anderson that the Eighth Report of the Transport and Environment Committee for 1995 be amended by adding the following as Section 43:

43. (a) That "No Parking" signs be erected on the east and north sides of Robson Crescent from the north property line of No. 51 Robson Crescent to the east property line of No. 57 Robson Crescent; and,
- (b) That "No Parking" signs be erected on the south side of Robson Crescent from the west curb line of Robson Crescent to a point 89 feet easterly therefrom; and,
- (c) That the City Traffic By-law No. 89-72 be amended accordingly. **CARRIED.**

PARKS AND RECREATION COMMITTEE - FOURTEENTH REPORT

Section 4 Re: Alcohol in Parks - Parents Without Partners - Turner Park

Recorded vote:

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, Merling, Anderson, D'Amico, Ross. -15.

NAYS: Alderman Jackson. -1.

CARRIED.

* * * * *

Section 15 Re: Hamilton Spectator - Establishing a Public Outreach Program for the naming of Harbourfront Park.

Recorded vote:

YEAS: Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -13.

NAYS: Alderman Copps. -1.

CARRIED.

* * * * *

Section 20 Re: Purchase from the Hamilton-Wentworth Roman Catholic Separate School Board land -141 Vittorito Avenue - Proposed St. Agnes Park.

It was moved by Alderman Wilson and seconded by Alderman Morelli that Section 20 of the Fourteenth Report of the Parks and Recreation Committee for 1995 be referred back.

Recorded vote.

YEAS: Aldermen Drury, Morelli, Wilson, Merling, Anderson, Ross. -6.

NAYS: Aldermen Kiss, Caplan, Agro, McCulloch, Copps, Eisenberger, Charters, Jackson, D'Amico. -9. **LOST.**

* * * * *

Section 20 Re: Purchase from the Hamilton-Wentworth Roman Catholic Separate School Board land -141 Vittorito Avenue - Proposed St. Agnes Park.

It was moved by Alderman Ross and seconded by Alderman Anderson that Section 20 of the Fourteenth Report of the Parks and Recreation Committee for 1995 be tabled.

Recorded vote.

YEAS: Aldermen Kiss, Drury, Morelli, Copps, Wilson, Merling, Anderson, Ross - 8.

NAYS: Mayor Morrow, Aldermen Caplan, Agro, McCulloch, Eisenberger, Charters, Jackson, D'Amico. -8. **LOST.**

* * * * *

Section 20 Re: Purchase from the Hamilton-Wentworth Roman Catholic Separate School Board land -141 Vittorito Avenue - Proposed St. Agnes Park.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Copps, Eisenberger, Charters, Jackson, D'Amico. -10.

NAYS: Aldermen Drury, Morelli, Wilson, Merling, Anderson, Ross. -6. **CARRIED.**

PLANNING AND DEVELOPMENT COMMITTEE - FIFTEENTH REPORT

FINANCE AND ADMINISTRATION COMMITTEE - SEVENTEENTH REPORT

Section 26 Re: Purchase Order - Toromont/Caterpillar of Concord - Cogeneration Plant

It was moved by Alderman Charters and seconded by Alderman Jackson that Section 26 of the Seventeenth Report of the Finance and Administration Committee for 1995 be referred back. **CARRIED.**

ACTING MAYOR FOR THE MONTH OF JULY, 1995

It was moved by Alderman Kiss and seconded by Alderman Caplan that Alderman F. D'Amico be appointed Acting Mayor for the month of July 1995.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, and the Finance and Administration Committee, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, McCulloch, Drury, Morelli, Copps, Wilson, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -14.

NAYS: -0.

CARRIED.

BILLS

It was moved by Alderman Kiss and seconded by Alderman Caplan that the following Bills be now read a first time:

A-41, A-42, A-43, A-44, A-45.
C-43, C-44, C-45.
D-47, D-48, D-49, D-50.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, McCulloch, Morelli, Copps, Wilson, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -13.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that Council move into Committee of the Whole to consider the following Bills, with Alderman Copps in the chair. (second reading).

A-41, A-42, A-43, A-44, A-45.
C-43, C-44, C-45.
D-47, D-48, D-49, D-50.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, McCulloch, Morelli, Copps, Wilson, Charters, Jackson, Anderson, D'Amico, Ross. -12.

NAYS: -0.

CARRIED.

* * * * *

Consideration of the Bills (second reading).

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the following Bills, be adopted:

A-41, A-42, A-43, A-44, A-45.
C-43, C-44, C-45.
D-47, D-48, D-49, D-50.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, McCulloch, Copps, Wilson, Charters, Jackson, Anderson, D'Amico, Ross. -11.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the following Bills, be now read a third time, signed, sealed and enrolled as By-laws:

A-41, A-42, A-43, A-44, A-45.
C-43, C-44, C-45.
D-47, D-48, D-49, D-50.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, McCulloch, Copps, Wilson, Charters, Jackson, Anderson, D'Amico, Ross. -11.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 9:00 o'clock p.m.

* * * * *

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz, City Clerk
1995 June 327
JJS/dg

CORRESPONDENCE

Correspondence:

1. Zoning Application dated 1995 June 29 from The Corporation of the City of Hamilton, Applicant - Elite Reality Corp., Hamilton, Ontario for a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "HH" (Restricted Community Shopping and Commercial, etc.) District modified for 775 and 779 Upper Wentworth Street, Hamilton, Ontario.

Recommendation: Be Received.

2. Zoning Application dated 1995 July 5 from The Corporation of the City of Hamilton, Applicant - Hampshire Properties Inc., Hamilton, Ontario for a change in zoning from "CR-1" (Commercial-Residential) District, modified to "HH" (Restricted Community Shopping and Commercial) District, for lands located at No. 1275 Upper James Street.

Recommendation: Be Received.

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **NINTH** Report for 1995 and respectfully recommends:

1. That the Commissioner of Public Works and Traffic be authorized to issue a temporary time limit exemption permit to Mrs. Mary Gauld, 21 Tom Street until 1995 September 30.
2.
 - (a) That a "Permit Parking" regulation be implemented on the east side of Tragina Avenue North commencing at a point 66 feet south of Vansitmart Avenue and extending to a point 22 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. John Allan, No. 346 Tragina Avenue North.
3. That the Commissioner of Public Works and Traffic be authorized to issue, upon request, one Time Limit Exemption Permit to each of the first twelve eligible applicants residing in the apartments at No. 1061 King Street West.
4. That a "No Stopping" regulation be implemented on the south side of Simcoe Street East commencing at Hughson Street North and extending to a point 51 feet easterly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
5. That a "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on the east side of Roosevelt Avenue between Beach Road and the southerly end and that the City Traffic By-law No. 89-72 be amended accordingly.

6. That the by-law entry providing for a westbound "No Left Turn 4:00 p.m. to 6:00 p.m." prohibition at the intersection of King Street West and Longwood Road be rescinded, and that the City Traffic By-law No. 89-72 be amended accordingly.

7. (a) That in accordance with the request by the Hamilton Street Railway, the following bus stop be relocated:

Route No. 27 Upper James and 45 Limeridge

Delete	-	Eastbound	-	Limeridge Road West, south side, 1,345 feet east of the projected east curb line of Kendale Court (M/B); and,
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Add	-	Eastbound	-	Limeridge Road West, south side, 902 feet east of the projected east curb line of Kendale Court (M/B); and,
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- (b) That the City Traffic By-law No. 89-72 be amended accordingly.

8. That the application of K. Sherman to temporarily close Dalewood Crescent between Oak Knoll Drive and Paisley Avenue North, on Sunday 1995 July 30, from 3:00 o'clock p.m. to 6:00 o'clock p.m., to hold a birthday party, be approved, subject to the following conditions:

- (a) That the prior approval of the Chief of Police or his/her designate be received, and that such permits or authorizations as may be required by the Chief of Police or his/her designate be obtained; and,
- (b) That the applicant provide a certificate of insurance evidencing \$2,000,000. public liability insurance; that the Corporation of the City of Hamilton is shown as an additional insured; and that the policy provides for cross-liability and severability; and,
- (c) That the applicant agree, in writing, to hold the Corporation of the City of Hamilton harmless from all actions, causes of action,

interest, claims, demands, costs, damages, expenses and loss;
and,

- (d) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his/her designate; and,
- (e) That all barricading be supplied by and at the expense of the applicant; and,
- (f) That "Temporary Road Closure" signs be installed in advance by the Department of Public Works and Traffic, on the affected roadways, if deemed necessary by the Commissioner of Public Works and Traffic; and,
- (g) That the applicant ensure that clean up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the Commissioner of Transportation/ Environmental Services and at the expense of the event organizer; and,
- (h) That no property owner or resident within the barricaded area be denied access to their property upon request; and,
- (i) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation/Environmental Services.

- 9. (a) That a joint Detailed Storm Water Management Report, be conducted in the Albion Falls Neighbourhood, for the proposed draft plans of subdivision, Albion Mills Estates (City owned), and Redhill Vista, and that the City's share, of \$18,000. of the estimated total cost of \$30,000. be approved; and,
- (b) That the Finance and Administration Committee recommend the source of funding for this study; and,
- (c) That this recommended source of funding of the City's share for this study be reimbursed from the proceeds from the sale of the Albion Mills Estates lands.

10. (a) That the action of the Transport and Environment Committee be confirmed in authorizing the application of M.T.A. Promotions Inc., M. Temperley, agent, to temporarily close Hess Street between Main Street and King Street from 12:00 o'clock noon on Friday, 1995 July 7 to 7:00 o'clock a.m. on Monday, 1995 July 10 to hold the Bay Area Jazz Festival, subject to the following conditions:
- (i) That the prior approval of the Chief of Police or his/her designate be received, and that such permits or authorizations as may be required by the Chief of Police or his/her designate be obtained; and,
 - (ii) That the applicant provide a certificate of insurance evidencing \$5,000,000. public liability insurance; that the Corporation of the City of Hamilton is shown as an additional insured; and that the policy provides for cross-liability and severability; and,
 - (iii) That the applicant agree, in writing, to hold the Corporation of the City of Hamilton harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss; and,
 - (iv) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his/her designate; and,
 - (v) That all barricading be supplied by and at the expense of the applicant; and,
 - (vi) That "Temporary Road Closure" signs be installed in advance by the Department of Public Works and Traffic, on the affected roadways, if deemed necessary by the Commissioner of Public Works and Traffic; and,
 - (vii) That the applicant ensure that clean up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the Commissioner of Transportation/ Environmental Services and at the expense of the event organizer; and,

- (viii) That no property owner or resident within the barricaded area be denied access to their property upon request; and,
 - (ix) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation/Environmental Services; and,
 - (b) That the Liquor Licence Board of Ontario (L.L.B.O.) be advised that the City of Hamilton has no objection to the issuance of a temporary extension of liquor licence for The Scotsman Pub at No. 96 George Street, Amigos Hothouse at No. 115 George Street and The Gown and Gavel, No. 24 Hess Street South from Saturday 1995 July 8 to Sunday, 1995 July 9 in conjunction with the Bay Area Jazz Festival on the condition that the above-noted requirements are satisfied.
11. That the Erosion and Sediment Control Guidelines for the Hamilton Harbour Watershed and the Region of Hamilton-Wentworth, prepared by the Hamilton and Halton Region Conservation Authorities, 1994 dated April and entitled "Keeping Soil on Construction Sites" be adopted as a guide for the design of soil erosion and silt control measures within the City of Hamilton.
12. That the Commissioner of Transportation/Environmental Services be authorized and directed to proceed with repairs to the Parkdale Avenue Bridge at a revised estimated cost of \$620,000. with the increased cost of \$120,000. being funded from the 1993 and 1994 Capital Program surplus.
13. (a) That the Fleet Services Division, Department of Public Works and Traffic be authorized to perform fleet services and general maintenance and repairs on vehicles owned by the Hamilton Red Cross; and,
- (b) That City Council adopt the proposed by-law fixing the terms, conditions and charges for these services.

14. That \$1,600,000. of the surplus funds estimated at \$1,890,000. in the 1993 and 1994 Road and Sidewalk Improvement Programs be utilized to undertake the reconstruction of the centre pier of the Parkdale Avenue Bridge over Lawrence Road and the projects in the Supplementary List portion of the 1995 Road and Sidewalk Improvement Program to maximize the Ministry of Transportation (MTO) subsidy.
15. That three-way stop control be implemented at the intersection of Templemead Drive and Torlake Street and that the City Traffic By-law No. 89-72 be amended accordingly.
16. That a "Commercial Vehicle Loading Zone, 9:00 a.m. to 4:00 p.m., Monday to Friday" regulation be implemented on the east side of East 24th Street commencing at a point 41 feet south of Concession Street and extending to a point 93 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
17. That leave be granted to introduce the following Bills:
 - (a) A-46 A By-law to provide for the provision of Fleet Services to the Hamilton Red Cross Society
 - (b) A-47 A By-law to Amend By-law No. 89-72 to Regulate Traffic
 - (c) A-48 A By-Law to Amend By-law No. 89-72 to Regulate Traffic

Respectfully Submitted,

Kevin C. Christenson
Secretary

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

1995 July 6

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **FIFTEENTH** Report for 1995 and respectfully recommends:

1. (a) That the 2001 Canada Summer Games Bid Committee be authorized to proceed with the preparation of a bid package for the City of Hamilton to host the Canada Games in 2001 at a cost not to exceed \$140,000. and that City of Hamilton funding totalling \$130,000. be provided from Account No. CH59087 77008 (\$42,000. - International Children's Games Surplus); Account No. 55201 78216 (\$40,000. - Culture and Recreation Current Budget); and Account No. CF709355009 (\$48,000. - Hamilton Aquatic Centre Study); and,

- (b) That the Hamilton 2001 Canada Summer Games Bid Committee be made up of, but not limited to the following individuals:

Mr. Colin Millar, Chairman

Alderman Bernie Morelli

Alderman Terry Anderson

Ms. Therese Quigley, McMaster University

Ms. Cathy Millar, McMaster University

Mr. Ross Fair, Director of Culture and Recreation

Mr. Joe Schatz, City Clerk

Mr. Nick Catalano, Economic Development Department

* Mr. Jack Pelech, (Advisory - Canada Games Council), and;

- (c) That the 2001 Canada Games Staff Advisory Committee be made up of, but not limited to the following individuals and be directed to assist the 2001 Canada Games Bid Committee in the preparation of the bid package:

Mr. Ross Fair, Director of Culture and Recreation

Mr. Joe Schatz, City Clerk

Mr. Bob Chrystian, Public Works Department

Mr. Dave Cowan, Culture and Recreation Department

Ms. Hoda Kayal, Culture and Recreation Department

Mr. Greg Maychak, Culture and Recreation Department

Mr. Kevin Beattie, Treasury Department
Mr. Ward Dilse, Economic Development Department
Mr. Sal Farrauto, H.E.C.F.I.
Mr. Kevin Christenson, City Clerks Department; and,

- (d) That the 2001 Canada Summer Games Bid Committee report back to the Parks and Recreation Committee with the final bid package, including alternative funding strategies, prior to its submission to the Province; and,
 - (e) That the initial contributions from the Regional Municipality of Hamilton-Wentworth, namely a contribution of \$10,000. to the development of the Bid Book and the involvement of staff from the Department of Economic Development be acknowledged with thanks.
2. That approval, as required by Parks By-law No. 95-126, Section 11 to sell alcoholic beverages in a park be given to the Club Afrique Canada for their Festival at Harbourfront Park, 1995 August 12 and August 13 from 10:00 o'clock a.m. to 11:00 o'clock p.m. subject to the following terms and conditions:
- (a) That proof of the following insurance be provided and submitted thirty (30) days prior to the event, indicating the City as the additional insured, subject to a cross liability clause:
 - (i) That insurance, in the amount of \$5 million, Comprehensive General Liability Insurance for Property Damage and Bodily Injury, subject to cross liability, severability provisions and 30 days notice of cancellation, be provided; and,
 - (b) That all requirements as identified by the Liquor Licence Board of Ontario are met; and,
 - (c) That alcoholic beverages be served in the confined area (beer and wine only); and,
 - (d) That organizers and their workers who are providing alcoholic beverages be encouraged to participate, on a voluntary basis, in a "Server Intervention Training Program"; and,

- (e) That the Liquor Licence Board of Ontario be advised that Hamilton's City Council is aware of the Club Afrique Canada Festival held this year from 1995 August 13 and August 14 at Harbourfront Park and deems this event to be a community festival of municipal significance to the City of Hamilton; and,
 - (f) That the Club Afrique Canada enter into a Licence Agreement satisfactory to the City Solicitor; and,
 - (g) That Special Duty Officers, as deemed necessary by the Hamilton-Wentworth Regional Police, be provided at the applicant's expense; and,
 - (h) That the event organizers assume responsibility for all labour-related costs as a result of this event, including setup and cleanup; and,
 - (i) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team; and,
 - (j) That the Public Works and Traffic Department's Street Vendors' Program at Harbourfront and Pier 4 Parks be allowed to remain open throughout the event.
3. That permission be granted to issue forty (40) complimentary golf passes for Chedoke, Beddoe Course, to visitors from the Tonawanda, New York Civic Golf Course in conjunction with the 5th Annual Labatt's Friendship Golf Tournament scheduled for 1995 August 8 at the Chedoke Civic Golf Course.
4. That approval, as required by Parks By-law No. 95-126 Section 11 and Section 12 to sell alcoholic beverages and barbecued food in a park be given to the Canadian Cycling Association for the National Cycling Championships to use Commonwealth Square, 1995 August 27 from 1:00 o'clock p.m. to 5:00 o'clock p.m. subject to the following terms and conditions:
- (a) That proof of the following insurance be provided and submitted thirty (30) days prior to the event, indicating the City as the additional insured, subject to a cross liability clause:

- (i) That insurance, in the amount of \$5 million, Comprehensive General Liability Insurance for Property Damage, Bodily Injury and Liquor Licence Liability, subject to cross liability, severability provisions and 30 days notice of cancellation, be provided; and,
 - (b) That all requirements of the Liquor Licence Board of Ontario are met; and,
 - (c) That alcoholic beverages be served in the confined area (beer only); and,
 - (d) That those organizers and their workers who are providing alcoholic beverages be encouraged to participate, on a voluntary basis, in a "Server Intervention Training Program"; and,
 - (e) That the Canadian Cycling Association enter into a Licence Agreement satisfactory to the City Solicitor; and,
 - (f) That Special Duty Officers, as deemed necessary by the Hamilton-Wentworth Regional Police, be provided at the applicant's expense; and,
 - (g) That the event organizers assume responsibility for all labour-related costs as a result of this event, including setup and cleanup; and,
 - (h) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.
5. That, as approved by City Council at its meeting of 1995 March 28 whereby approval was granted to the Hamilton Hornets Rugby Football Club to sell alcoholic beverages by special occasion permit only, and in accordance with the terms and conditions of the Licence Agreement between the City and the Club, approval be granted to the Hamilton Hornets Rugby Football Club to sell alcoholic beverages from 1:00 o'clock p.m. to 9:00 o'clock p.m. on 1995 July 29, July 30, September 2 and September 16.
6. (a) That approval as required by Parks By-law No. 95-126, Sections 12 and 40 be granted to Gourley Park Community Council and Churches of Ward 8 to sell barbecued food and merchandise at the Ecumenical Service for the victims of the Gledhill Explosion, 1995 July 23 from 2:30 o'clock p.m. to 8:30 o'clock p.m. on the reservoir at Garth and Stone Church Roads, subject to the following terms and conditions:

- (i) That proof of \$2 million dollars Comprehensive General Liability Insurance for Property Damage and Bodily Injury to be submitted 30 days in advance, naming the City as co-insured with a cross liability endorsement.
 - (ii) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.)
 - (iii) That a Special Duty Officer as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense.
 - (b) That the event will be monitored by the Special Events/Festival Advisory Team, with a post-event report back to Committee.
7. That approval as required by Section 11(c) of Parks By-law No. 77-221 be granted to the Stoney Creek Lions Club to sell raffle tickets during the Annual Antique Steam and Gas Engine Show at the Hamilton Museum of Steam and Technology 1995 July 22 and July 23.
8. (a) That the Chief Administrative Officer, Director of Culture and Recreation and the City Solicitor be authorized to negotiate an amendment to the current License Agreement between the City of Hamilton and the Hamilton Tiger Cat Football Club for use of Ivor Wynne Stadium to grant access to the demised and consolidated press area at the west end of the third floor of the media box addition for the use by the Hamilton Tiger Cat Football Club as an additional viewing area for games under the same terms and conditions as apply to the press boxes currently included in the License Agreement with the following additions:
- (i) That this demised space will be conveyed to the Club in the condition contemplated in the current and approved building program; and,
 - (ii) That any additional construction and related costs thereto be totally at the expense of the Football Club; and,
 - (iii) That any improvements to the demised space must be reviewed and approved to the satisfaction of the Director of Culture and Recreation and will conform to all applicable building standards with all related fees the responsibility of the Club; and,

- (ii) That discounts for play will be granted on the basis of 3 green fees for the price of one green fee to Hamilton-based not for profit organizations when the event is hosted as a goodwill activity for the community and or its members or to other groups if the event brings a measurable economic benefit to the City; and,
 - (iii) All requests for discounts must be made in writing and received by the Director of Culture and Recreation no less than 60 days prior to the date of the proposed event; and,
 - (iv) Complimentary golf privileges will be granted on a limited basis and at the discretion of the Director or designate for on-site employees/contractual employees (greens staff, pro shop, and concessions) outside working hours other than weekends and holidays; and,
 - (v) Press, visiting Golf Superintendents and visiting Professionals may golf free of charge upon presentation of credentials and advance notice; and,
 - (vi) The Director of Culture and Recreation, at his/her discretion, may discount or provide free passes as part of a marketing strategy to enhance the visibility of the Civic Courses or entice additional membership, greens fee or tournament play; and,
 - (vii) Execupasses will be honoured at both courses provided the standard form at each course is completed by the pass holder; and,
 - (viii) That an Execupass be issued for the Manager of Outdoor Sports Facilities in his capacity as line manager responsible for golf course operations; and,
- (b) That with respect to Culture and Recreation Department operated arenas and the Chedoke Twin Pad (where applicable under the License Agreement) the following policies will apply:
- (i) That the approved House league hourly rate will be granted to Hamilton-based registered charitable organizations and not for profit community organizations when the event is for the sole purpose of raising funds to support the activities of the organization; and,

- (ii) That the approved Rep league hourly rate will be granted to Hamilton-based not for profit organizations when the event Special Occasion Permit is hosted as a goodwill activity for the community and or its members or to other groups if the event brings a measurable economic benefit to the City; and,
 - (iii) These discounts will not apply to tournaments or to events where there is gate admission charged and/or where there is a Special Occasion Permit function as part of the event; and,
 - (iv) All requests for discounts must be made in writing and received by the Director of Culture and Recreation no less than 60 days prior to the date of the proposed event; and,
- (c) That with respect to Culture and Recreation Department operated recreation centres discounting will be considered for community charitable fund-raising events; and,
 - (d) That with respect to Culture and Recreation Department operated museums discounting will be considered for community charitable fund-raising events; and,
 - (e) That with respect to City-operated outdoor sports facilities discounting will be considered for community charitable fund-raising events; and,
 - (f) That exceptions to these policies for discounting for facility use will be considered by the Director of Culture and Recreation on a case by case basis and Council direction sought as deemed necessary by the Director, in consultation with the Chief Administrative Officer and the Chairperson of the Parks and Recreation Committee; and,
 - (g) That the Director of Culture and Recreation will report annually to the Parks and Recreation Committee relative to the discounting and waiving of fees, inclusive of usage, volume and budget impact.
13. That an agreement satisfactory in form and substance to the City Solicitor be entered into with Sandra Rivers and Juliet Jancso for the accession of their sculptures (samples of which are available in the Office of the Director of Culture and Recreation) into the collection of the City of Hamilton at Parkdale and Inch Park Arenas, for a cost not to exceed \$21,000., at \$10,500. per sculpture net GST from Account No. CF5306 709441023 (Parkdale) and Account No. CF5306 709441024 (Inch Park).

1995 July 11

14. (a) That the Manager of Cemeteries be authorized to implement a pre-need payment plan system for interment rights and opening and closing charges; and,
(b) That the City Treasurer be authorized to develop an accounting procedure to accommodate the pre-need payment plan system.

15. (a) That staff implement and facilitate a public "name the park" contest with The Spectator to formally name Harbourfront Park; and,
(b) That a "name the park" Selection Committee be established and composed of 2 West Harbourfront Development Study Steering Committee representatives, John Evans and Marylyn Leckenby, 2 Spectator representatives, Jake Doherty or designate and Mark McNeil, and Colin Millar, 1994 Citizen of the Year; and,
(c) That the decision of the Selection Committee be forwarded to the August 22 meeting of the Parks and Recreation Committee for consideration and recommendation to City Council.

Respectfully Submitted,

Kevin C. Christenson
Secretary

ALDERMAN F. EISENBERGER, CHAIRPERSON
PARKS AND RECREATION COMMITTEE

1995 July 4

WEEKLY SCHEDULE

Appendix "A" as referred to in
Section 10 of the FIFTEENTH
Report of the Parks and
Recreation Committee for 1995

WEEK STARTING:

19

(MONDAY'S DATE)

CHEDOKE B. NHL

MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		SATURDAY		SUNDAY	
6-7		6-7		6-7		6-7		6-7		6:30 - C.H.M.H.A.		6:30 - C.H.M.H.A.	
7-8		7-8		7-8		7-8		7-8		7:30 - C.H.M.H.A.		7:30 - C.H.M.H.A.	
8-9		8-9		8-9		8-9		8-9		8:30 - C.H.M.H.A.		8:30 - C.H.M.H.A.	
9-10		9-10		9-10		9-10		9-10		9:30 - C.H.M.H.A.		9:30 - C.H.M.H.A.	
10-11		10-11		10-11		10-11		10-11		10:30 - C.H.M.H.A.		10:30 - C.H.M.H.A.	
11-12		11-12		11-12		11-12		11-12		11:30 - C.H.M.H.A.		11:30 - C.H.M.H.A.	
12-1		12-1		12-1		12-1		12-1		12:30 - C.H.M.H.A.		12:30 - Sledge Hockey	
1-2		1-2		1-2		1-2		1-2		1:30 - Public Skate		1:30 - Public Skate	
2-3		2-3		2-3		2-3		2-3		2:30 - Public Skate		2:30 - Public Skate	
3-4		3-4		3-4		3-4		3-4		3:30 - C.H.M.H.A.		3:30 - C.H.M.H.A.	
4:30 - Wentworth Skating Club		4:30 - Wentworth Skating Club		4:30 - Wentworth Skating Club		4:30 - Wentworth Skating Club		4:30 - Public Skate		4:30 - C.H.M.H.A.		4:30 - C.H.M.H.A.	
5:30 - Wentworth Skating Club		5:30 - Wentworth Skating Club		5:30 - Wentworth Skating Club		5:30 - Wentworth Skating Club		5:30 - HUB		5:30 - C.H.M.H.A.		5:30 - C.H.M.H.A.	
6:30 - Skating Club		6:30 - Skating Club		6:30 - Skating Club		6:30 - Skating Club		6:30 - HUB		6:30 - C.H.M.H.A.		6:30 - C.H.M.H.A.	
7:30 - Public Skate		7:30 - HUB		7:30 - Public Skate		7:30 - Girls Hockey		7:30 - C.H.M.H.A.		7:30 - HUB		7:30 - C.H.M.H.A.	
8:30 - Sledge Hockey		8:30 - HUB		8:30 - Public Skate		8:30 - Girls Hockey		8:30 - A's		8:30 - HUB		8:30 - HUB	
9:30 - Sledge Hockey		9:30 - HUB		9:30 - C.H.M.H.A.		9:30 - A's		9:30 - A's		9:30 - HUB		9:30 - HUB	
10:30 - A's		10:30 - A's		10:30 - C.H.M.H.A.		10:30 - A's		10:30 - A's		10:30 - HUB		10:30 - HUB	
11:30 -		11:30 -		11:30 -		11:30 -		11:30 -		11:30 -		11:30 -	

WEEKLY SCHEDULE

CHEDOKE A - OLYMPIC PAD

WEEK STARTING: _____ 19 _____

(MONDAY'S DATE)

MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		SATURDAY		SUNDAY	
6-7		6-7		6-7		6-7		6-7		6-7	C.H.M.H.A.	6-7	C.H.M.H.A.
7-8		7-8		7-8		7-8		7-8		7-8	C.H.M.H.A.	7-8	C.H.M.H.A.
8-9		8-9		8-9		8-9		8-9		8-9	C.H.M.H.A.	8-9	C.H.M.H.A.
9-10		9-10		9-10		9-10		9-10		9-10	C.H.M.H.A.	9-10	C.H.M.H.A.
10-11		10-11		10-11		10-11		10-11		10-11	C.H.M.H.A.	10-11	C.H.M.H.A.
11-12		11-12		11-12		11-12		11-12		11-12	C.H.M.H.A.	11-12	C.H.M.H.A.
12-1		12-1		12-1		12-1		12-1		12-1	C.H.M.H.A.	12-1	A's
1-2		1-2		1-2		1-2		1-2		1-2	A's	1-2	A's
2-3		2-3		2-3		2-3		2-3		2-3	A's	2-3	A's
3-4		3-4		3-4		3-4		3-4		3-4	A's	3-4	A's
4-5	High School	4-5	High School	4-5	High School	4-5	High School	4-5		4-5	A's	4-5	A's
5-6	High School	5-6	High School	5-6	High School	5-6	A's	5-6	A's	5-6	A's	5-6	A's
6-7	A's	6-7	A's	6-7	A's	6-7	A's	6-7	A's	6-7	A's	6-7	A's
7-8	A's	7-8	A's	7-8	A's	7-8	Sledge Hockey	7-8	A's	7-8	A's	7-8	A's
8-9	A's	8-9	A's	8-9	A's	8-9	Girls Hockey	8-9	A's	8-9	A's	8-9	A's
9-10	C.H.M.H.A.	9-10	A's	9-10	A's	9-10	Girls Hockey	9-10	A's	9-10	A's	9-10	C.H.M.H.A.
10-11	C.H.M.H.A.	10-11	A's	10-11	A's	10-11	Girls Hockey	10-11	A's	10-11	A's	10-11	C.H.M.H.A.
11-12		11-12		11-12		11-12		11-12		11-12		11-12	
12-1		12-1		12-1		12-1		12-1		12-1		12-1	

WEEKLY SCHEDULE

PARKDALE

WEEK STARTING: _____ 19 _____
(MONDAY'S DATE)

MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		SATURDAY		SUNDAY	
6-7		6-7		6-7		6-7		6-7		6-7		6-7	
7-8		7-8		7-8		7-8		7-8		7-8	P.C.A.	7-8	P.C.A.
8-9		8-9		8-9		8-9		8-9		8-9	HUB	8-9	P.C.A.
9-10		9-10		9-10		9-10		9-10		9-10	P.C.A.	9-10	P.C.A.
10-11		10-11		10-11		10-11		10-11		10-11	P.C.A.	10-11	P.C.A.
11-12		11-12		11-12		11-12		11-12		11-12	P.C.A.	11-12	P.C.A.
12-1		12-1		12-1		12-1		12-1		12-1	P.C.A.	12-1	P.C.A.
1-2		1-2		1-2		1-2		1-2		1-2	P.C.A.	1-2	P.C.A.
2-3		2-3		2-3		2-3		2-3		2-3	P.C.A.	2-3	Public Skate
3-4		3-4		3-4		3-4		3-4		3-4	P.C.A.	3-4	Public Skate
4-5	High School	4-5	High School	4-5	High School	4-5	High School	4-5	High School	4-5	P.C.A.	4-5	HUB
5-6	High School	5-6	High School	5-6	High School	5-6	High School	5-6	High School	5-6	P.C.A.	5-6	HUB
6-7	CAN Skate	6-7	P.C.A.	6-7	P.C.A.	6-7	P.C.A.	6-7	Parkdale	6-7	P.C.A.	6-7	HUB
7-8	CAN Skate	7-8	P.C.A.	7-8	P.C.A.	7-8	P.C.A.	7-8	skating Club	7-8	P.C.A.	7-8	HUB
8-9	HUB	8-9	P.C.A.	8-9	P.C.A.	8-9	Public Skate	8-9		8-9	Public Skate	8-9	HUB
9-10	HUB	9-10	P.C.A.	9-10	P.C.A.	9-10	Public Skate	9-10		9-10	Public Skate	9-10	P.C.A.
10-11		10-11		10-11		10-11		10-11		10-11		10-11	
11-12		11-12		11-12		11-12		11-12		11-12		11-12	
12-1		12-1		12-1		12-1		12-1		12-1		12-1	

WEEKLY SCHEDULE

EASTWOOD

WEEK STARTING: _____ 19 ____

(MONDAY'S DATE)

MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		SATURDAY		SUNDAY	
6-7		6-7		6-7		6-7		6-7		6-7		6-7	
7-8		7-8		7-8		7-8		7-8		7-8	HUB	7-8	HUB
8-9		8-9		8-9		8-9		8-9		8-9	E.M.H.A.	8-9	E.M.H.A.
9-10		9-10		9-10		9-10		9-10		9-10	E.M.H.A.	9-10	E.M.H.A.
10-11		10-11		10-11		10-11		10-11		10-11	E.M.H.A.	10-11	E.M.H.A.
11-12		11-12		11-12		11-12		11-12		11-12	E.M.H.A.	11-12	E.M.H.A.
12-1		12-1		12-1		12-1		12-1		12-1	McMaster Un.	12-1	E.M.H.A.
1-2		1-2		1-2		1-2		1-2		1-2	McMaster Un.	1-2	E.M.H.A.
2-3		2-3		2-3		2-3		2-3		2-3	Girls Hockey	2-3	Public Skate
3-4		3-4		3-4		3-4		3-4		3-4	Girls Hockey	3-4	Public Skate
4-5	High School	4-5	Public Skate	4-5	High School	4-5	High School	4-5	Public Skate	4-5	Girls Hockey	4-5	Girls Hockey
5-6	HUB	5-6	Public Skate	5-6	High School	5-6	High School	5-6	Public Skate	5-6	Girls Hockey	5-6	Girls Hockey
6-7	HUB	6-7	HUB	6-7	E.M.H.A.	6-7	E.M.H.A.	6-7	HUB	6-7	A's	6-7	Girls Hockey
7-8	HUB	7-8	HUB	7-8	E.M.H.A.	7-8	E.M.H.A.	7-8	HUB	7-8	A's	7-8	Girls Hockey
8-9	HUB	8-9	HUB	8-9	E.M.H.A.	8-9	E.M.H.A.	8-9	HUB	8-9	A's	8-9	Girls Hockey
9-10	HUB	9-10		9-10		9-10	E.M.H.A.	9-10		9-10	HUB	9-10	Girls Hockey
10-11		10-11		10-11		10-11		10-11		10-11	HUB	10-11	
11-12		11-12		11-12		11-12		11-12		11-12		11-12	
12-1		12-1		12-1		12-1		12-1		12-1		12-1	

WEEKLY SCHEDULE

WEEK STARTING: _____ 19 _____
(MONDAY'S DATE)

LAWFIELD

MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		SATURDAY		SUNDAY	
6-7		6-7		6-7		6-7		6-7		6-7		6-7	
7-8		7-8		7-8		7-8		7-8		7-8	L.M.H.A.	7-8	L.M.H.A.
8-9		8-9		8-9		8-9		8-9		8-9	L.M.H.A.	8-9	L.M.H.A.
9-10		9-10		9-10		9-10		9-10		9-10	L.M.H.A.	9-10	L.M.H.A.
10-11		10-11		10-11		10-11		10-11		10-11	L.M.H.A.	10-11	L.M.H.A.
11-12		11-12		11-12		11-12		11-12		11-12	L.M.H.A.	11-12	L.M.H.A.
12-1		12-1		12-1		12-1		12-1		12-1	L.M.H.A.	12-1	L.M.H.A.
1-2		1-2		1-2		1-2		1-2		1-2	L.M.H.A.	1-2	Public Skate
2-3		2-3		2-3		2-3		2-3		2-3	L.M.H.A.	2-3	Public Skate
3-4		3-4		3-4		3-4		3-4		3-4	L.M.H.A.	3-4	Ringette
4-5	High School	4-5	High School	4-5	High School	4-5	High School	4-5	High School	4-5	L.M.H.A.	4-5	Ringette
5-6	High School	5-6	High School	5-6	Family Skate	5-6	Ringette	5-6	L.M.H.A.	5-6	L.M.H.A.	5-6	Ringette
6-7	HUB	6-7	L.M.H.A.	6-7	Family Skate	6-7	Ringette	6-7	L.M.H.A.	6-7	L.M.H.A.	6-7	Ringette
7-8	HUB	7-8	L.M.H.A.	7-8	Power Skate	7-8	Ringette	7-8	L.M.H.A.	7-8	L.M.H.A.	7-8	Ringette
8-9	HUB	8-9	L.M.H.A.	8-9	L.M.H.A.	8-9	Ringette	8-9		8-9	Public Skate	8-9	Ringette
9-10	L.M.H.A.	9-10	L.M.H.A.	9-10	L.M.H.A.	9-10	Ringette	9-10		9-10	Public Skate	9-10	Ringette
10-11	L.M.H.A.	10-11		10-11	L.M.H.A.	10-11		10-11		10-11		10-11	
11-12		11-12		11-12		11-12		11-12		11-12		11-12	
12-1		12-1		12-1		12-1		12-1		12-1		12-1	

WEEKLY SCHEDULE

CORONATION

WEEK STARTING: _____ 19 _____

(MONDAY'S DATE)

MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		SATURDAY		SUNDAY	
6-7		6-7		6-7		6-7		6-7		6-7		6-7	
7-8		7-8		7-8		7-8		7-8		7-8	HUB	7-8	HUB
8-9		8-9		8-9		8-9		8-9		8-9	C.M.H.A.	8-9	C.M.H.A.
9-10		9-10		9-10		9-10		9-10		9-10	C.M.H.A.	9-10	C.M.H.A.
10-11		10-11		10-11		10-11		10-11		10-11	C.M.H.A.	10-11	C.M.H.A.
11-12		11-12		11-12		11-12		11-12		11-12	C.M.H.A.	11-12	C.M.H.A.
12-1		12-1		12-1		12-1		12-1		12-1	C.M.H.A.	12-1	C.M.H.A.
1-2		1-2		1-2		1-2		1-2		1-2	C.M.H.A.	1-2	C.M.H.A.
2-3		2-3		2-3		2-3		2-3		2-3	Public Skate	2-3	C.M.H.A.
3-4		3-4		3-4		3-4		3-4		3-4	Public Skate	3-4	C.M.H.A.
4-5	High School	4-5	High School	4-5	High School	4-5	High School	4-5	Public Skate	4-5	HUB	4-5	HUB
5-6	High School	5-6	High School	5-6	Family Skate	5-6	High School	5-6	Public Skate	5-6	HUB	5-6	HUB
6-7	C.M.H.C.	6-7	HUB	6-7	Family Skate	6-7	C.M.H.A.	6-7	C.M.H.C.	6-7	HUB	6-7	HUB
7-8	C.M.H.C.	7-8	HUB	7-8	CAN Skate	7-8	C.M.H.A.	7-8	C.M.H.C.	7-8	HUB	7-8	HUB
8-9	C.M.H.C.	8-9	HUB	8-9	Girls Hockey	8-9	C.M.H.A.	8-9	Public Skate	8-9	HUB	8-9	HUB
9-10	HUB	9-10	HUB	9-10	Girls Hockey	9-10	A's	9-10	Public Skate	9-10	HUB	9-10	HUB
10-11		10-11		10-11		10-11		10-11		10-11		10-11	
11-12		11-12		11-12		11-12		11-12		11-12		11-12	
12-1		12-1		12-1		12-1		12-1		12-1		12-1	

Attached is the 1995/96 allocation for all municipal arenas.

CAN SKATE	4 hours
Civic Employees	4 hours
Family Skate	4 hours
Girls Hockey Association	18 hours
High School Hockey	52 hours
Inch Park Figure Skating	3 hours
Kilty B's	7 hours
McMaster University	2 hours
Mohawk College	3 hours
Parkdale Figure Skating Club	3 hours
Power Skating	5 hours
Public Skating	52 hours
Ringette	24 hours
Sledge Hockey	4 hours
Wentworth Figure Skating Club	8 hours
A's Rep Hockey	52 hours
Hub Hockey	72 hours
C.M.H.A. Coronation Minor Hockey	22 hours
C.H.M.H.A. Chedoke Minor Hockey	42 hours
M.H.M.H.A. Mount Hamilton Minor Hockey	52 hours
L.M.H.A. Lawfield Minor Hockey	50 hours
R.M.H.A. Rosedale Minor Hockey	35 hours
P.C.A. Parkdale Coaches Association	30 hours
E.M.H.A. Eastwood Minor Hockey	17 hours
S.P.M.H.A. Scott Park Minor Hockey	40 hours
Mount Hamilton Skating Club	2 hours
Hamilton Skating Club	See attached schedule

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **SIXTEENTH** Report for 1995 and respectfully recommends:

1. (a) That approval be given to amended Zoning Application 95-10, 90074 Ontario Inc., (Roy Yates), owner & prospective owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "G" - 'H' (Neighbourhood Shopping Centre, etc. - Holding) District, modified, for Block "1", from "AA" (Agricultural) District to "G" - 'H' (Neighbourhood Shopping Centre, etc. - Holding) District, modified for Block "2", and from "AA" (Agricultural) District to "RT-30" - 'H' (Street Townhouses - Holding) District for Blocks "3", to permit development of the subject lands for a commercial plaza (Blocks "1"&"2") and street townhouses (Block "3"), for the property located at 1451-1471 Upper James Street, shown on the attached map marked as Appendix "A", on the following basis:
 - (i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of the subject lands until:
 1. installation of municipal storm and sanitary sewers, and water services for Block "3" of the subject lands as the City deems necessary; and,
 2. the applicant/owner has applied for and received approval of a Site Plan Control Application from the City of Hamilton for Blocks "1" and "2"; Removal of the holding restriction shall be conditional upon the installation of all municipal services for Block "3" and completion of Site Plan Control Approval for Blocks "1" and "2". City Council may remove the 'H' symbol, and thereby give effect the "G" & "RT-30" District provisions as stipulated in this By-law by enactment of an amending By-law(s) once the conditions are fulfilled;
 - (ii) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "G" - 'H' (Neighbourhood Shopping Centre, etc. - Holding) District; and,

- (iii) That Block "2" be rezoned from "AA" (Agricultural) District to "G" - 'H'(Neighbourhood Shopping Centre, etc. - Holding) District; and,
- (iv) That Block "3" be rezoned from "AA" (Agricultural) District to "RT-30" - 'H'(Street Townhouse - Holding District; and,
- (v) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations, as contained in Section 13 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special provisions:
 - 1. That notwithstanding Section 13.(1), the following additional commercial uses shall be permitted:
 - (aa) A liquor dispensary;
 - (bb) A brewer's retail store; and,
 - (cc) A video store.
 - 2. That notwithstanding Section 13.(3)(i), a front yard of a depth of not less than 6.0 m shall be provided and maintained along the entire westerly boundary of Block "1"; and,
 - 3. That notwithstanding Section 13.(3)(ii), a side yard of a depth of not less than 6.0 m shall be provided and maintained along the entire southerly boundary of Blocks "1" & "2"; and,
 - 4. That notwithstanding Section 13.1(xv) of Zoning By-law No. 6593, only one (1) business identification sign that is ground sign and having a vertical dimension of not more than 6.0 metres, an aggregate area of vertical projection of not more than 1.0 square metre per 0.5 metres of street frontage of the lot, and located not less than 4.5 m from the Upper James streetline shall be permitted; and,
 - 5. That notwithstanding clause 2.(2)J.(xb) of Zoning By-law No. 6593, one(1) directional sign at each point of ingress and egress, and each said sign of a size not exceeding 1.2 square metres (12.92 square feet) shall be permitted; and,
 - 6. That no sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination; and,

7. That a minimum 6.0 m wide landscape area shall be provided and maintained along the entire westerly boundary of Block "1", except for any area used for driveway access; and,
 8. That a minimum 3.0 m wide planting strip shall be provided and maintained along the entire southerly boundary of Blocks "1" & "2", except for any area used for driveway access; and,
 9. That a planting strip not less than 3.0 m in width and a visual/acoustical barrier between 1.8 m and 2.0 m in height shall be provided and maintained along the entire easterly lot line of Block "2"; and,
- (vi) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1342, and the subject lands on Zoning District Map E-9D be notated S-1342; and,
 - (vii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council; and,
 - (viii) That the approved Ryckmans Neighbourhood Plan be amended by redesignating Block "3" from low density apartments to attached housing upon finalization of the implementing By-law; and,
 - (ix) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the following Council resolutions be repealed in their entirety:
- (i) Section 27 of the Sixteenth Report for 1990 of the Planning and Development Committee for a change in zoning for property located at 1451, 1459, 1465 and 1469 Upper James Street; and,
 - (ii) Section 8 of the Eighth Report for 1992 of the Planning and Development Committee for a change in zoning for property located at 1471 Upper James Street.
2. That Application CD-95-006, under the Rental Housing Protection Act, Halbiem Investments, owner, for conversion of 24 rental apartment units to condominium units for the property located at 293 Mohawk Road East, be denied for the following reasons:

- (a) Approval of the application would have an adverse impact on the supply of affordable rental apartment units in the Hamilton Mountain Zone; and,
 - (b) Approval of the application would reduce the overall rental apartment vacancy rate in the Hamilton Mountain Zone.
3. (a) That approval be given to Application CD-95-009, under the Rental Housing Protection Act, Bartonellis Holdings Limited, 350714 Ontario Limited and Rosa Lardi, owners, for conversion of 38 rental apartment units to condominium units for the property located at 30 Summit Avenue, subject to the following conditions:
- (i) That the Owner offer, in writing, to the Tenants named in the schedule of existing tenants and rents on file with the City, the right to lease their current unit, noted in the same schedule, for a period of not less than three years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in the same schedule, upon the following minimum terms:
 - 1. the Offer must be made within 45 days of the date this resolution is approved by City Council and shall be open for acceptance by the Tenants for a period of at least 30 days;
 - 2. that leases entered into as a result of (i) above, be executed prior to the City's execution of the RHPA Approval Agreement;
 - 3. that the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended;
 - 4. that such lease shall commence on the date the Owner's Offer is accepted by signature of the Tenant; and,
 - 5. that the Tenants' may terminate the said lease at any time on 60 days written notice, without penalty.
 - (ii) That the Owner grant to the Tenants named in the schedule of existing tenants and rents on file with the City, an Option to Purchase a Unit specified in the same schedule, (together with appurtenant interests). Such Option shall allow each tenant at least three years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit.

Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner, which Agreement shall incorporate the conditions in Appendix "B" annexed hereto; and,

- (iii) That the Tenant shall have 30 days from receipt of such Option to sign and return to the Owner a copy of the Option acknowledging that he is interested in having the Option in his/her favour and acknowledging that he/she realizes that a formal Notice in writing to the Owner signed by the Tenant shall be received by the Owner on or before the date for such Notice specified in the Option;
- (iv) That this RHPA approval shall cease and be at an end,
 - 1. if the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,
 - 2. in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton; and,
- (v) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the Director of Planning and Development and to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "B" and "C" annexed hereto, and the schedule of existing tenants and rents on file with the City) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval;
- (vi) In the event that the Owner proposes to sell all of the subject lands, he shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein;
- (vii) That the Owner provide the City Solicitor and the Director of Planning and Development with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,

- (viii) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.
 - (b) That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.
4. (a) That approval be given to Application CD-95-008, under the Rental Housing Protection Act, 683440 Ontario Inc., owner, for conversion of 57 rental apartment units to 57 condominium units for property located at 141 Catharine Street South, subject to the following conditions:
- (i) That the Owner offer, in writing, to the Tenants named in the schedule of existing tenants and rents on file with the City, the right to lease their current unit, noted in the same schedule, for a period of not less than three years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in the same schedule, upon the following minimum terms:
 - 1. the Offer must be made within 45 days of the date this resolution is approved by City Council and shall be open for acceptance by the Tenants for a period of at least 30 days;
 - 2. that leases entered into as a result of (i) above, be executed prior to the City's execution of the RHPA Approval Agreement;
 - 3. that the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended;
 - 4. that such lease shall commence on the date the Owner's Offer is accepted by signature of the Tenant; and,
 - 5. that the Tenants' may terminate the said lease at any time on 60 days written notice, without penalty.
 - (ii) That the Owner grant to the Tenants named in the schedule of existing tenants and rents on file with the City, an Option to Purchase a Unit specified in the same schedule (together with appurtenant interests). Such Option shall allow each tenant at least three years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit.

Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner, which Agreement shall incorporate the conditions in Appendix "D" annexed hereto;

- (iii) That the Tenant shall have 30 days from receipt of such Option to sign and return to the Owner a copy of the Option acknowledging that he is interested in having the Option in his/her favour and acknowledging that he/she realizes that a formal Notice in writing to the Owner signed by the Tenant shall be received by the Owner on or before the date for such Notice specified in the Option;
- (iv) That this RHPA approval shall cease and be at an end,
 - 1. if the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,
 - 2. in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton;
- (v) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the Director of Planning and Development and to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "D" and "E" annexed hereto, and the schedule of existing tenants and rents on file with the City) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval;
- (vi) In the event that the Owner proposes to sell all of the subject lands, he shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein; and,
- (vii) That the Owner provide the City Solicitor with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,
- (viii) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.

- (b) That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.
- 5. That the Regional Municipality of Hamilton-Wentworth be requested to include the provision of water and sewer services to the Albion Falls area, covered by Official Plan Amendment No. 130, within the Region's 1996-2005 Capital Budget.
- 6. (a) That By-Law 93-167 to authorize building permits and fees be amended by adding item 2(a) from Schedule "A" as follows:
 - 2(a) permit for the replacement of a furnace for a single family dwelling \$75.00; and,
- (b) That the City Solicitor be authorized and directed to prepare the necessary By-law Amendment.
- 7. (a) That the document, entitled "Public Participation Policies", annexed hereto as Appendix "F" be adopted; and,
- (b) That the document be circulated to all City Departments and the Regional Municipality of Hamilton-Wentworth.
- 8. (a) That the request by T. Valery Construction Limited, owners, to extend draft plan approval for "Ridgeview Estates" subdivision under Regional File No. 25T-76046 for a further one (1) year period to August 29, 1996, be approved; and,
- (b) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.
- 9. For the information of the members of City Council, the Planning and Development Committee have endorsed the appointment of the following to serve on the Mountview Mediation Committee which will be disbanded upon the completion of its final report to the Planning and Development Committee:

Pam Accadia
Patrick Chetcuti
Jim Jackson
Les Jagodich

Mountview Neighbourhood
Mountview Neighbourhood
Mountview Neighbourhood
Mountview Neighbourhood

1995 July 11

Susan Penrose
Marianna Schroeder-Sawchyn
Eric Grove
Don May

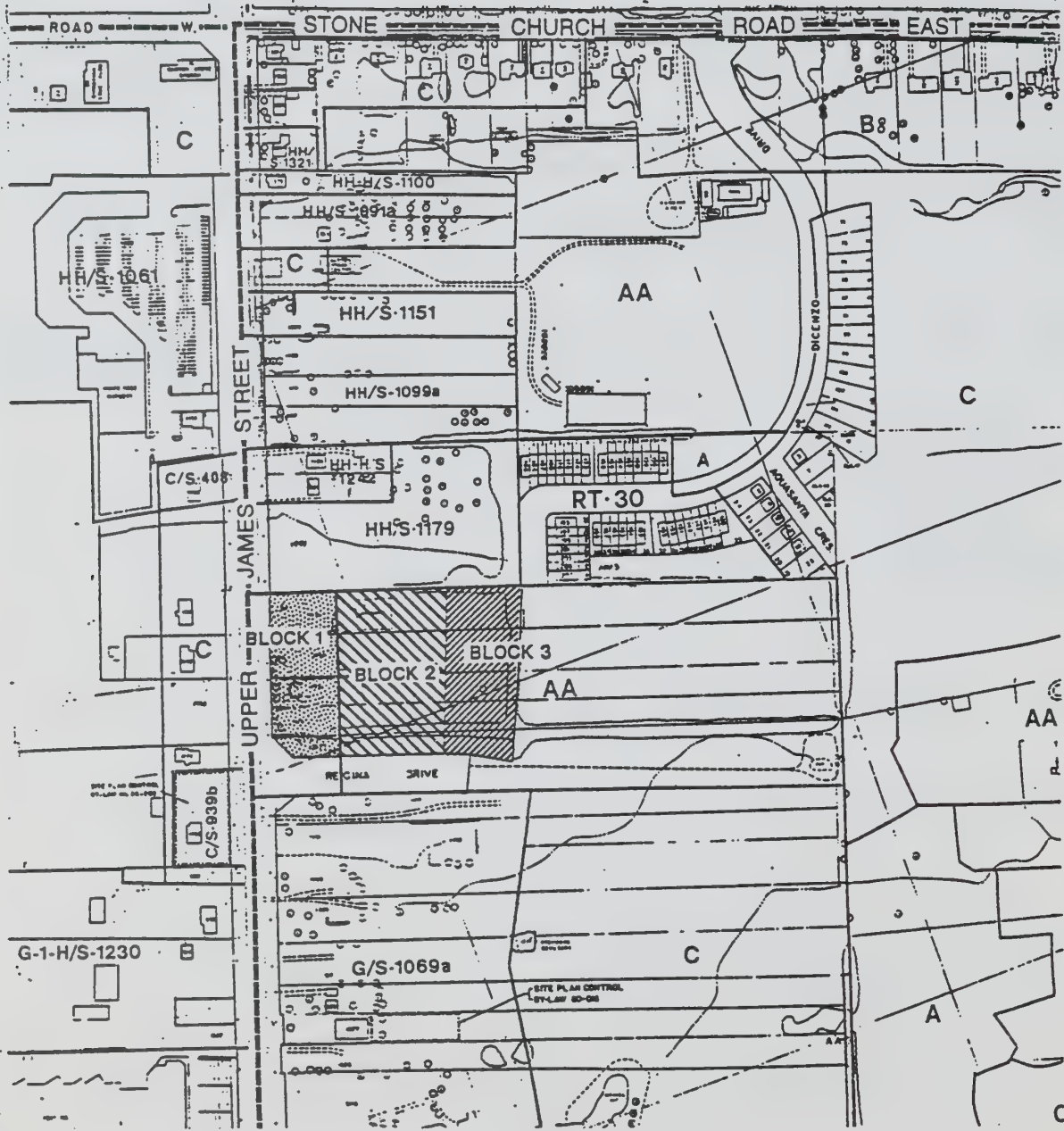
Mountview Neighbourhood
Mountview Neighbourhood
Westcliffe West Neighbourhood
Representative of Chedoke Health Corporation

RESPECTFULLY SUBMITTED,

**ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT
COMMITTEE**

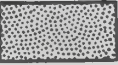

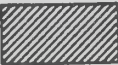
**Stella Glover
Secretary**

1995 July 5



Legend

Proposed change in zoning from:

- | | | |
|---------|---|--|
| BLOCK 1 |  | "C" (Urban Protected Residential, etc.) District to
"G" (Neighbourhood Shopping Centre, etc.) District, modified. |
| BLOCK 2 |  | "AA" (Agricultural) District to "G" (Neighbourhood
Shopping Centre, etc.) District, modified. |
| BLOCK 3 |  | "AA" (Agricultural) District to "RT-30" (Street Townhouse) District. |


ZAC-95-10

The Agreement of Purchase and Sale shall provide,

- (a) that the sale shall be completed within One Hundred and Twenty (120) days of execution of the agreement, unless otherwise agreed by the Tenant and Owner; and,
- (b) that the purchase price for a Unit be the price agreed upon between the Owner and the Tenant which price shall not exceed the dollar value assigned to the Unit by an accredited appraiser of real property less,
 - i) \$3,000.00 or 5.0 percent of the appraised dollar value of the Unit, whichever is greater; and,
 - ii) 25.0 percent of the total rental payments made by the Tenant in the preceding 12-month period prior to date the Agreement of Purchase and Sale is executed between the Tenant and the Owner.

The aforementioned accredited appraiser of real property shall be retained at the expense of the owner and the appraisal of the unit shall be conducted within 21 days of the Tenant exercising their Option to purchase a unit.

The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

- (a) The following documents, namely the RHPA Approval Agreement, the leases and the Options to Purchase shall be prepared by the Owner and registered by the Owner at its expense, including payment of registration fees.
- (b) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of a rental unit.
- (c) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant(s) only and not assignable by the Tenant(s) to anyone, unless approved by the owner, in the owners absolute discretion.
- (d) If the Director of Planning and Development receives a declaration from the Owner that a Tenant named in the schedule of existing tenants and rents on file with the City, has not, or does not want, to enter into the said lease or the said Option or both of them, or that the Tenant has vacated the rental unit, the Director of Planning and Development shall send by registered mail to the Tenant at the rental unit listed in the same schedule, a Notice that the Tenant's rights to the lease or Option, as the case may be, shall cease within twenty-one days of the mailing of the Notice unless the Tenant is still in possession of the premises and has within the said twenty-one day period, collected such document from the Owner and returned to the Owner a copy of the document signed by the Tenant. The Owner shall sign and return the document to the Tenant in accordance with the other time limits of this approval.

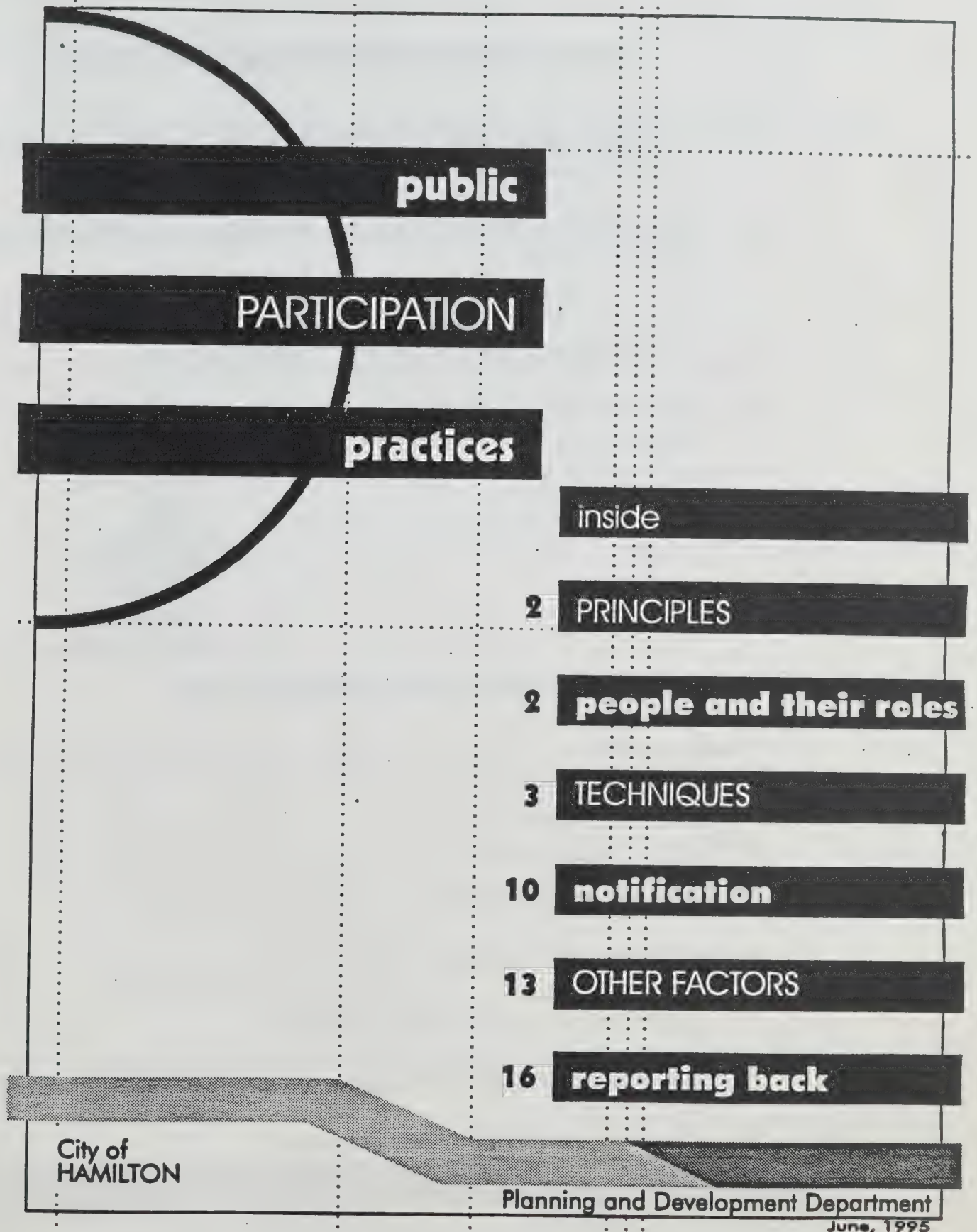
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PRINCIPLES OF PUBLIC PARTICIPATION

- Citizens have the right to participate in the decision-making process of local government.
- Public Participation facilitates citizens to take ownership of a problem and its solution.
- There is no one "public". There are many constituents within a community and each has its own relevant opinion.
- We work towards consensus but each party must accept that another party has the right to disagree.



PEOPLE AND THEIR ROLES

People participating in the City's public process have expectations and obligations. Here is a summary of each:

Staff

- organize the process with direction from Council.
- select the technique(s) for participation.
- organize the reporting back to Council.
- act as providers of information and answer technical questions.
- provide professional advice and input.

Council Members

- represent citizens on Council.
- are decision-makers on matters for which public input is sought.

Citizens

- seek information on the proposal/project.
- are concerned about specific impacts on their lives and their community.
- provide feedback and information from their perspective.

SELECTING TECHNIQUES

The selection of a technique or techniques for public participation is a matter of judgement on the part of the person organizing the process and tasks. There is no right or wrong choice among the techniques. However, certain key questions should be answered in making the decision:

- What is the problem and who will decide what the solution to the problem is?
- What is to be achieved by undertaking a public participation program?

- What type of information is being sought from the public?
 - A response to a question;
 - Discussion of issues and possible solutions;
 - The identification of options/the creation of solutions;
 - Preferences among options;
 - A decision.
- Are there components of the decision that are fixed (e.g. park design - the location of the park is fixed, so the location is not the issue; rather, specifics of the design)? This should be clarified to set the parameters for discussion.
- The techniques are not mutually exclusive - more than one technique may be used to achieve the desired results.
- Design the public participation process to fit the problem. Be flexible in the implementation of the process. Revisions to the process and the selected techniques may be required as the problem is worked through.

TECHNIQUES

Open House/Public Information Centre

- held to provide information to the public and to obtain individual feedback on a specific matter e.g. road project, park development.
- does not promote group discussion as it is generally a one-to-one discussion between a staff member and a citizen.
- should be held over a series of days and times to allow people convenient access.
- can also provide information on the project's process, timing, as well as opportunities for further public involvement.
- usually held within the project area or in the neighbourhood adjacent to the project area.
- should include displays of the project (graphics, maps, drawings) are available with staff present to greet attendees and answer questions.
- can include feedback in the form of oral comments; written comments on comment sheets should be available. But whether in oral or written form, an appropriate amount of time should be given to think and prepare a proper response.

Public Meeting

- is held to present a specific project or proposal to residents of an area. Can also used to present policy projects (e.g. Mobile Sign Study) to citizens.
- allows discussion of points of view from differing people. May be intimidating to some citizens if the meeting is contentious.
- is chaired by a Committee/Council member. The Chairperson should be identified and known to all in attendance.
- involves a presentation by staff or technical expert, followed by questions from the public.
- is generally information sharing and feedback - no decision is made
- should have comment sheets are available for submission to staff. Allow time for response
- should have minutes are kept; these are available to the public.



Citizen Committee

- The committee is formed for the preparation of a plan or development scheme (e.g. Park Development Plan, Community Improvement Plan). It is appropriate for a longer term thinking process. This type of process takes a longer period of time.
- The task to be accomplished should be clearly identified at the outset so that all Committee members are aware of their purpose. The time commitment involved for the committee's work should be identified.
- Citizens are selected from representatives of the areas affected. Citizens should represent the spectrum of stakeholders in the affected area (e.g. business, ratepayers, schools, community organizations).
- Committee members should be appointed by the appropriate Standing Committee of Council and report to the standing Committee.
- Meetings should be held when convenient to most members (usually the evenings); meetings are open to the public.
- There must be a defined end point or conclusion for the Committee's work - otherwise, Committees can drag on and meet for the sake of meeting.



Workshop/Charette

- A workshop is useful when a problem requires a design solution (e.g. Ferguson Avenue).
- A general presentation as to the nature of the problem to be resolved is presented at the outset of the meeting.
- The attendees are typically broken up into smaller groups to identify alternative solutions to the problem.
- A workshop requires good facilitation of small groups and staffing to work with the small groups to encourage creativity.
- The workshop can be held over a concentrated period of time; does not allow participants to go away and think things over.
- The participants must have the same level of knowledge prior to the workshop.



Newsletter/Brochure

- is used to inform and update citizens on a particular project (e.g. Red Hill Creek Expressway, Housing Intensification Update).
- is sent to people who have expressed an interest in receiving it; persons who have attended previous open houses, workshops, meetings; people within the specific project area.
- can also be used to inform people of upcoming open houses/public information centres, meetings, project tasks.
- is generally a one-way flow of information.

Survey

- A survey is used to gather information about a group of people or to gather opinions (e.g. Community Renewal uses surveys to start the PRIDE process).
- Surveys require the receiver to complete it and mail it back - a lot of people do not like to do this.
- In the event of a low response rate, are the results valid?
- A survey is very labour intensive.
- Costs, such as printing and mailing, must be considered.



Media

- are generally very good for disseminating information about a project. can also be used for informing people of meetings, media open houses etc.
- can provide a forum for a discussion of issues.



NOTIFICATION

Who Gets Notified?

In general, the notification of the process for the public participation is dictated by the purpose of the process. For example, a road project would have defined lands to be affected and therefore the consultation with those landowners is crucial. Alternatively, other projects/proposals have a larger area of concern (e.g. a park or a neighbourhood plan) where the entire neighbourhood is affected. Consequently, who gets notified is a matter of judgement. In general, the following have arisen as the rules of thumb:

- Are there statutory requirements to be fulfilled (e.g. Planning Act)?
- Is there a defined project area? Persons living in the project area should receive a notice.
- Is there an impact beyond the project area (e.g. in a neighbourhood)? Those persons living in the impact area should receive a notice.
- Are there known community groups, business groups, or other stake holders in the project area who have an interest in the project?
- If there have been previous meetings/open houses etc., are there persons who have requested notice of future meetings?
- Notify those who may possibly be impacted by the decisions made.

How do People get Notified?

There are many options for notifying the public. The choice of how people get notified is up to the Department sponsoring the process. What is to be avoided is the perception that people were not given the opportunity to participate/comment because they did not receive information regarding the meeting. Therefore, all reasonable attempts should be made to ensure those who should receive a notice do receive a notice. Here are some guidelines and options:

- It is better to overcirculate that undercirculate. Keep records of people who were circulated.
- Mail notices to persons (both owners and tenants) affected by a project/proposal.
- Distribute notices to known gathering points in an area (e.g. library, church, corner store, school).
- Send post card notices (e.g. road projects, Committee of Adjustment) requesting a reply to a specific proposal.
- Advertising in the newspaper and/or community newsletters.
- In general, the assessment roll is used. However, the assessment is not always current regarding change in owners or for newly developing areas. If this is a concern, hand delivery of the notices, although labour intensive, may be the best solution.
- Posted sign - on the property indicating the nature of the proposal, the responsible agency, and a telephone number to contact for further details.

What Should the Notice Say?

The notice should contain the pertinent details of the purpose of the meeting, open house etc. Notices should try to avoid jargon or technical terms - keep the language plain and understandable. The following should be the minimum contained in the notice.

- Date, time, location of the meeting, open house must be included. Ideally this should stand out from the content of the notice.
- Who is calling the meeting?
- What is to be done at the meeting?
- Why is the public being invited at this stage?
- Who should a person call for more information - name and phone number? Be sure the person named is going to be in the office - do not put their name on the notice if they are on holidays or tied up in work that takes them out of the office.

When Should Notices be Sent Out?

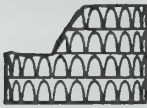
Sending notices too far in advance is problematic because people can lose the notice or forget about the meeting. The first rule is to meet all statutory requirements for notice. Second, consider how much notice is fair notice. Generally, Provincial legislation requires thirty days. However, a shorter time frame, about two or three weeks, is also adequate because the matter sticks in people's minds.

OTHER FACTORS

Location

a) Where?

The location of the meeting is up to the person setting the process. However, it is a lot easier for people to attend if the meeting is in their neighbourhood than if the meeting is in City Hall. Choices for locations could include churches, schools, recreation centres, and libraries. Try and estimate the maximum number of people who will show up and accommodate at least that many in the selected location. Be sure the location is accessible.



b) Set-Up

The room set-up is important in implementing the type of participation being undertaken. For example, open houses are set up differently from public meetings.

These are some general guidelines:

- Consider the room and the purpose of the meeting - what is the best layout of material and location of staff for people coming to the meeting?
- Be sure the room is well-lit in order for people to read the displays.
- Remember room acoustics - will speakers be able to be heard? Do you need a sound system for presenters and questioners?

- If you are breaking into smaller groups, be sure that the acoustics of the room are such that each small group has its own privacy and the members of the groups can hear each other.

When to Hold the Meeting/Open House, etc.

From experience, the following are the rules of thumb respecting open houses, meetings, etc.:

- Do not hold them on the weekends (Friday, Saturday, Sunday).
- Do not hold them on Council nights (Tuesday in Hamilton).
- Avoid summer meetings; avoid meetings during school holidays, spring holiday, Christmas, New Year's and Easter (check for other religious holidays).
- Try to avoid double-booking with another meeting.

What about People whose Native Language is not English?

If you believe that there may be a significant portion of the population that does not speak English in your project area, what to do?

- Check the Census data and find out what the native tongue is of people residing in the area. A double-check on this may be to check the churches in the area - find out what language is used. Should there be a portion of the population that does not speak English, they are entitled to notification in their native tongue.

- Find a staff member who speaks that language and can translate the notice. Have a staff member who speaks that language as the contact with their name on the notice. The contact person needs knowledge of the matter at hand. The contact person may also have to attend the meeting to speak to the people in their native tongue.
- There are community resources such as the Community Information Service that may be able to assist you in finding a translator.

Other Staff Members

Try to anticipate what kinds of questions will arise. Determine who is best able to answer these questions and be sure they are able to attend the meeting. Brief the staff members in advance as to how the meeting will proceed and what is expected of them.

Paperwork

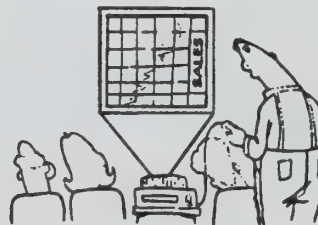
- Have sign-in sheets (with pens!) at the entrance. Remind people to sign in at the beginning of the meeting and at the end. This gives a record of who attended.
- Have comment sheets available. Are there specific questions that need a response? Do you want general comments? Give a time frame for submitting the comment sheets (two weeks is reasonable).
- Include the name and address and fax number of the person to whom the comment sheet should be submitted. Set a deadline date for their return and include this on the comment sheet. Include the name and phone number of the contact person.

- Are minutes of the meeting needed? Identify one person who will be responsible for the minutes.

Other Displays

Displays should be set up in advance of the start of the meeting.

- Keep the message brief and to the point.
- Visual aides should be easily readable - check for spelling mistakes on the visual aids.
- Any material that was on display at the meeting can be kept on display in City Hall. The displays can be placed in the public areas such as the first and second floor lobbies or in the specific Department.
- Be sure the displays are large enough for people to read.



REPORTING BACK

What is to be done with the information obtained from the public process? Ideally, the information should be used to assist the decision-makers (usually Council). The information obtained should be reported to the decision-makers in a clear manner. Do not attempt to massage the information - report it as it was given. If there is a conflict amongst opinions, report each side's opinion as accurately as possible.

Provide the people with disparate opinions with ample notice of when the decision-making meeting will be held so that he/she/they may attend. Provide a copy of any report to anyone requesting it as soon as it is available. Advise those concerned of the date and time of the decision making meeting by notice. Interested parties wishing to speak to a Standing Committee of Council should be informed that they must request to appear as a delegation before the Committee. This request is made to the Secretary of the Committee.

October 1, 1996

CITIZENS MEETING

Topic: Neighbourhood Planning

A long time resident of the City of Hamilton, Mr. Abraham is the Director of the Planning Department for the City of Hamilton. Mr. Abraham will be speaking on the practice of neighbourhood planning and the City's philosophy for development of new neighbourhoods.

Speaker: Victor Abraham

City Hall, Hamilton, Ontario

Room 233 - 6:30 pm

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **EIGHTEENTH** Report for 1995 and respectfully recommends:

1. That a Special Committee consisting of Mayor Morrow and eight Aldermen be struck to draft a position on local government restructuring which can be presented to The Constituent Assembly.
2.
 - (a) That the concept of establishing a Greater Hamilton Downtown Community Development Corporation be endorsed; and,
 - (b) That the composition of the Founding Board be as follows:
 - (i) Mayor Morrow
 - (ii) Regional Chairman Cooke
 - (iii) One Alderman
 - (iv) The Chairman or designate of the Downtown Hamilton B.I.A.
 - (v) The Chairman or designate of the International Village B.I.A.
 - (vi) The Chairman or designate of the Lloyd D. Jackson Square Merchants' Association
 - (vii) The Chairman or designate of the Central Area Plan Implementation Committee (C.A.P.I.C.)
 - (viii) The Chairman or designate of the ICI Division of the Metropolitan Hamilton Real Estate Board
 - (ix) The Chairman or designate of the Business Development Sub-committee of the Hamilton Chamber of Commerce
 - (x) The Chairman or designate of the Hotel Association of Hamilton (being established at time of this report)
 - (xi) A representative from a financial institution within the downtown core
 - (xii) One resident of the Ward; and,
 - (c) That a Nominating Committee comprised of representatives from 2 (i) - (x) above, be established to identify candidates for 2 (xi) and (xii) above; and,
 - (d) That the founding Board of the GHDCDC be requested to review and comment on the following:
 - (i) The Mandate and Objectives of the GHDCDC
 - (ii) The boundaries of the GHDCDC

with a condition that the formal Mandate and Objectives and the boundaries be approved by City and Regional Councils prior to being forwarded to the Province for approval; and,

- (e) That the founding Board of the GHDCDC be requested to create the following:
 - (i) A Working Plan (Community Strategic Plan) for the GHDCDC
 - (ii) An Operating Budget for the GHDCDC
 - (iii) A Draft By-law for the GHDCDC
 - (iv) Identify the general membership structure for the GHDCDC

with a condition that the formal Working Plan (Community Strategic Plan), the Operating Budget, Draft By-law and general membership structure be approved by City and Regional Councils prior to being forwarded to the Province for approval; and,

- (f) That the founding Board discuss potential revenue for the GHDCDC from various public and private sectors prior to submitting the yearly Operating Budget to Council for approval; and,
- (g) That the Downtown Development Corporation Staff Committee be authorized and directed to work with the founding Board on Items (d) and (e) above.

- 3.
 - (a) That the City of Hamilton resolve Ontario Court (General Division) Action # 6207/94 by the payment to the Plaintiff, Hilda Crammond, of the sum of \$7,772.67 inclusive of all claims for damages, interest and costs; and,
 - (b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (c) That Ontario Court (General Division) Action # 6027/94 be dismissed without costs.

- 4. That the City of Hamilton make an Offer to Settle in Ontario Court (General Division) Action # 3461/93 in the following terms:

- (a) That the Defendant, The Corporation of the City of Hamilton, offers to settle all outstanding matters in this action on the following terms;
 - (i) That if this Offer to Settle is accepted on or before 4:00 p.m. Friday, 1995 August 18, the City of Hamilton shall pay to the Plaintiff, Lucy Ecker, the sum of \$10,000., inclusive of all damages, interest and costs; and,

- (ii) That if this Offer to Settle is accepted after 4:00 p.m. Friday, 1995 August 18, but before 4:00 p.m. Friday, 1995 September 1, the City shall pay to the Plaintiff, Lucy Ecker, the sum of \$8,000., inclusive of all claims for damages, interest and costs; and,
 - (iii) That if this Offer to Settle is accepted after 4:00 p.m. Friday, 1995 September 1, but before the commencement of Trial herein the City shall pay to the Plaintiff, Lucy Ecker, the sum of \$5,000., inclusive of all claims for damages, interest and costs; and,
 - (iv) That following acceptance of this Offer and the completion of all necessary closing documentation, the within action shall be dismissed without costs; and,
 - (v) This Offer remains open for acceptance until withdrawn, or until the commencement of Trial whichever first occurs.
- 5. That the Memorandum of Agreement between the Corporation of the City of Hamilton and I.U.O.E. Local 772, dated 1995 May 24, covering the period 1994 August 1 to 1997 July 31 be approved and implemented in accordance with the terms therein.
- 6. (a) That the City of Hamilton be authorized to enter into Extension Agreements, if required, in a form satisfactory to the City Solicitor and the City Treasurer pursuant to Section 8 of the Municipal Tax Sales Act, with the owners of the following properties to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on 1994 June 28:

287 Brucedale East	153 East 31st
167 Park Row North	64 Belvidere
718 Dunn	185 Fennell East
1308 King East	106 Kenilworth North
1658 King East	
- (b) That the by-law to authorize the said Extension Agreements be enacted by City Council; and,
- (c) That the Mayor and City Clerk be authorized to execute the aforesaid by-law and extension agreements.

7. That as referred to in Section 9 of the Ninth Report for 1995 of the Transport and Environment Committee, the City's share of a joint Detailed Storm Water Management Report for the proposed draft plans of subdivision, Albion Mills Estates and Redhill Vista, at a cost of \$18,000., be financed from Centre No. CH 00107 - "Reserve for Services Through Unsubdivided Lands".
8. That the City Treasurer be directed to close the following Capital Projects Accounts of The Parking Authority of the City of Hamilton with any excess funding to be transferred to its original source of financing:

Centre Number	Project Description	Authorized Gross Cost	Total Expenditure	Excess Financing
908345001	Parking Facilities & Land Acquisition	190,000.	189,907.39	92.61
909045006	Land Acq for Parking Purposes - General	400,000.	302,999.88	97,000.12
909045007	King William and Mary Carpark Decking	100,000.	49,281.42	50,718.58
909245002	Land Acq for Parking Purpose - General	1,000,000.	297,912.20	702,087.80
909245005	Upgrading of Existing Parking Facilities	725,000.	724,930.29	69.71

9. (a) That the Finance and Administration Committee of City Council hold two Public Meetings on 1995 August 22 at 1:30 p.m. and 1995 August 29 at 6:30 p.m. respecting a new Development Charges By-law; and,
 - (b) That the City Clerk be authorized and directed to give notice of the Public Meeting for the purpose of a new Development Charges By-law. The notice shall be in accordance with Section 8 of Ontario Regulations 725/89 made under the Development Charges Act, 1989.
10. That approval be given to the action taken by the City Clerk in authorizing the Manager of Parks, Department of Public Works through Alderman Eisenberger, Chairperson of the West Harbourfront Development Steering Committee, to display the Concept Model - West Harbourfront Development Study from 1995 July 3 until 1995 October 31, in the Second Floor Foyer - West End.

11. That a purchase order be issued to J. P. Hammill & Son Limited, Guelph, for the supply and delivery of Workers' Uniform Clothing as and when required during 1995 to Purchasing Stores, being the lowest of four tenders received, in accordance with specifications issued by Purchasing and Vendor's tender, and be financed through Stores Inventory Account No. CH56103 28999, as follows:

Grey Trousers	\$13.40 pair
Short Sleeve Grey Shirts	12.50 each
Long Sleeve Grey Shirts	14.25 "
Grey Overall Jackets	29.25 "
Grey Overall Pants	28.25 "
Grey Crested Coveralls	28.25 "

All taxes extra

12. That a purchase order be issued to Emille Shoes Ltd., Burlington, for the supply and delivery of Safety Footwear as and when required during 1995 to Purchasing Stores, being the lowest of three tenders received, in accordance with specifications issued by Purchasing and Vendor's tender, and be financed through Stores Inventory Account No. CH56103 28999, as follows:

Safety Shoes	\$59.97 pair
8" Insulated Safety Boots	74.62 "
8" Non-insulated Safety Boots	76.96 "
6" Non-insulated Safety Boots	54.73 "

All taxes extra

13. (a) That approval be given to issue a purchase order in the amount of \$64,949., inclusive of \$4,249. GST, to commission AM Roofing Systems Inc. of Hamilton for the replacement of the roof at the Kiwanis Boys & Girls Club Recreation Centre on Ellis Avenue at Campbell Avenue being the lowest price of three quotes received in accordance with the specifications issued by the Manager of Purchasing; and,

- (b) That the Mayor and City Clerk be authorized to execute a contract in a form satisfactory to the City Solicitor.

14. That the 1994 Post Audit Letter containing recommendations and comments affecting the City's accounting systems, procedures and controls and subsequent management action be accepted. Copies of the Post Audit Letter were distributed to members of the Finance and Administration Committee, and are available from the Committee Secretary upon request.

15. That the City of Hamilton support the request of the Art Gallery of Hamilton for a Private Member's Bill which would grant them future tax exempt status subject to certain conditions such as:
 - (a) An exemption only while the Art Gallery continues to be operated as an Art Gallery; and,
 - (b) A limit on the number of years for the exemption within which the organization will become financially responsible; and,
 - (c) Any other limitation or specific criteria to justify and restrict the future application to other service organizations in the community.

16.
 - (a) That the purchase price of \$800,000. for 141 Vittorito Avenue, as approved by City Council on 1995 June 27th in Section 20 of the Fourteenth Report for 1995 of the Parks and Recreation Committee, be financed from the unspent balance of Riverdale Recreation Centre - Design Fees, up to the amount of \$800,000. (\$500,000. debenture proceeds and \$300,000. 1995 Capital levy) out of the total allocation of 1994 and 1995 Capital Budget in the amount of \$858,000. (\$500,000. from debenture issue - City By-law 94-095 and \$358,000. from 1995 Capital Levy); and,
 - (b) That the gross funding allocation for the Riverdale Recreation Centre - Design fees be revised from \$858,000. to \$58,000.; and,
 - (c) That the City Solicitor be requested to revise the By-law 94-095 authorizing the issuance of debenture for the Riverdale Recreation Centre - Design Fees to the acquisition of 141 Vittorito Avenue (St. Agnes Park); and,
 - (d) That the City Treasurer be authorized to transfer any proceeds received from the issuance of debenture for the purpose of Riverdale Recreation Centre - Design Fees under the City By-law 94-095; and,
 - (e) That the Regional Clerk and The Regional Treasurer be advised that any record of debenture proceeds received from the debenture sale under Riverdale Recreation Centre - Design Fees for the City By-law 94-095 be revised to the acquisition of 141 Vittorito Avenue (St. Agnes Park).

17. (a) That the purchase order be issued to Terrance Webster Design, 1310 Osprey Drive, Ancaster, Ontario L9G 4V5 to the maximum amount of \$200,105.75 including taxes of \$26,100.75, delivery and installation of furniture items for the Treasury Department; and,

(b) That the total amount of \$200,105.75 be charged to the Treasury Department renovations Capital Project Fund Account # CF319141005.
18. (a) That approval be given to the Director of Property to proceed with the development and sale of three (3) single family building lots located on the south/east corner of Stone Church Road East and DiCenzo Drive; and,

(b) That all development costs (survey, grading plan, catch basin installation and servicing) in the estimated amount of \$108,000. be charged to Account Centre 00102 (Reserve for Property Purchases).
19. (a) That the Director of Property be authorized to submit a formal tender for the purchase of the property known as 301 James Street North, Hamilton at the sale of this property for tax arrears by the City Treasurer as the property is required in conjunction with the development of a municipal carpark at this site. The tender shall be on the prescribed form required by the Municipal Tax Sales Act; and,

(b) That the City Treasurer be authorized to issue a certified cheque for 20% of the tender amount as is required by the Municipal Tax Sales Act to be submitted with the tender application. The deposit cheque along with the remaining funds owed upon a successful tender bid to be charged to Account No. CF 5698 909345006 (Land Acquisition - General).
20. (a) That the property known as 11 Arthur Avenue South be declared surplus to the requirements of the City in accordance with the Realty Sales Procedural By-law 95-049; and,

(b) That the Director of Property be directed to prepare the necessary Offer to Purchase Agreement in order to convey the property known as 11 Arthur Avenue South for the sum of \$2. to Hamilton Habitat for Humanity.

21. (a) That City of Hamilton By-law No. 93-045, respecting the regulating and governing of adult videos, and for regulating video stores in which adult videos are provided, be amended to provide for the following:
- (i) (1) A Class A Licence for persons being in the business of operating an adult video store; and,
 - (2) A Class B Licence for persons operating a business where adult videos are an incidental use, which is defined as less than 20% of the video stock offered for sale or rent and the maximum number of adult videos available does not exceed 500; and,
 - (ii) That the designated area for the adult videos within a Class B Licence to be equipped with a solid opaque self closing full-length door; and,
 - (iii) That all adult video covers or jackets, which contain specified body areas or specified sexual activities as defined in the By-law, to be covered by an opaque cover when being transported from the designated area of a Class B Licence to the cashier; and,
 - (iv) (1) That the percentage of adult videos, permitted as an incidental use in a Class B business, to be restricted to not more than 20% of the total number of regular videos available, but shall not exceed a maximum of 500 adult videos; and,
 - (2) That the Operators of all Class B outlets be required to keep on file a list indicating the number of all videos available and the number of all adult videos available; and,
 - (v) That the fee for a Class B of adult video licence be \$150.; and,
 - (vi) That those businesses that presently exceed the 20% ratio, or the 500 maximum adult videos, shall be deemed to require a Class B licence and shall be required to comply with the regulations of the By-law for a Class B licence within one year; and,
 - (vii) That the number of Adult Video Store licences be reduced to four by removing the following two locations: 116 Emerson Street and 7 Greenford Drive; and,
 - (viii) That a hearing for the denial of a licence in accordance with Bill 198, a Provincial act to amend the Liquor Licence Act, the Municipal Act, the Regional Municipalities Act and certain other statutes related to upper tier municipalities; and,

1995 July 11

- (b) That the City Solicitor be authorized and directed to prepare the appropriate By-law to amend By-law 93-045, accordingly.
- 22. That the City of Hamilton inform the Director, Gaming Control Commission that it has no objection to the proposal to open a Class "A" Bingo Hall in the Town of Grimsby.
- 23. That leave be granted to introduce the following Bills:
 - (a) D-51 A By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears.
 - (b) D-52 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1995 July 4**

REPORT OF HIS WORSHIP MAYOR ROBERT M. MORROW

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Mayor presents his **FIRST** report for 1995 and respectfully recommends:

1. That the following constitute the membership of the Mayor's Committee Against Racism & Discrimination for a term to expire 1997 November 30:

Mayor R.M. Morrow
Deborah A. Brown
Mary Catherine Cahill
Harpreet Singh Gill
Mark Haas

Gary Ostofi
Marlene Thomas Osbourne .
Geoffrey E. Small
Jessica Stone
Xiaoyin (Sherry) Wang

Six of whom (yet to be determined) will also sit on the Mayor's Advisory Council Against Racism and Discrimination.

Two Members of City Council yet to be appointed.

2. That the following constitute the membership of the Mayor's Advisory Council Against Racism and Discrimination:

Pal Ajuja
Doris Anderson-Nnamani
Ephraim Awogu
Ken Balasubramaniam
Vishwas Vasantrao Bagal
Sam Cino
Freda Douliou
Andrew Finlay
Evelyn Gallaher
Maria Gentles
Rhoda Howard
Mervyn Jobity
Jacob Joseph
Fred Loft

Mila Mansaram
Ramzan Manek
Roger McCreary
Mary McKenzie
Lynda Nielsen
Joseph Oliver
Leslie Pasis
Helen Probert
Ken Stone
April Lorraine Wade
Michael Webber
Robert Westbrook
Sandra Wilson

(2) To Be Determined

3. That the following constitute the non-voting Resource Persons to the Mayor's Advisory Council Against Racism & Discrimination and Mayor's Committee Against Racism & Discrimination for a term to expire 1997 November 30:

City of Hamilton - Human Resources Centre - To be Determined

Canadian Union of Public Employees - To be Determined

Hamilton-Wentworth Regional Police - To be Determined

Hamilton Board of Education - To be Determined

Hamilton-Wentworth Region - Human Resources Centre - To be Determined

Hamilton-Wentworth Roman Catholic Separate School Board - To be Determined

Hamilton & District Labour Council - To be Determined

Hamilton & District Christian Churches Association - To be Determined

Ontario Human Rights Commission - To be Determined

Ministry of Citizenship - Ontario Anti-Racism Directorate - To be Determined

Royal Canadian Mounted Police - To be Determined

Ontario Provincial Police - To be Determined

RESPECTFULLY SUBMITTED

**MAYOR ROBERT M. MORROW, CHAIRPERSON
MAYOR'S COMMITTEE AGAINST RACISM
AND DISCRIMINATION**

Crystabelle Fobler
Secretary

30 June 1995

CA40N HBL A05
A31

1995

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1995 JULY 11
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL**

B I L L S

MAYOR

BY-LAW NO. 95 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 10 (Stops at Intersections)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following item, namely:-

Templemead	Eastbound and Westbound	Torlake
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2. **Schedule 16 (No Left Turn at Certain Intersections)** is hereby amended by deleting therefrom the following item, namely:-

"King	Westerly	Longwood	4:00 - 6:00 p.m."
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3. **Schedule 29 (No Stopping Areas)** is hereby amended by adding thereto the following item, namely:-

"Simcoe	South	Hughson to a point 51 feet easterly therefrom	Anytime".
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4. **Schedule 30 (Commercial Vehicle Loading Zones)** is hereby amended by adding thereto the following item, namely:-

East 24th	East	93 ft.	41 feet south of Concession	9:00 am - 4:00 pm Monday to Friday.
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PASSED this day of A.D. 1995.

CITY CLERK

MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO.95-

TO AUTHORIZE AN EXTENSION AGREEMENT

FOR PAYMENT OF REALTY TAX ARREARS

WHEREAS the Municipal Tax Sales Act, R.S.O. 1990, c.M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

AND WHEREAS the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

AND WHEREAS, pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

AND WHEREAS, the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

AND WHEREAS, The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

AND WHEREAS the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date of Schedule "A" attached hereto.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.

(b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and City Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.
2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

(a) that the Extension Agreement does not reduce the amount of the Cancellation Price.

(b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.

(c) that any person may pay the Cancellation Price at any time.

(d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.

(e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement.

3. As also provided in the Municipal Tax Sales Act,

(a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.

(b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

PASSED this day of 1995, A.D.,

CITY CLERK

MAYOR

SCHEDULE "A"
EXTENSION AGREEMENTS

A)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	287 BRUCEDALE AVE SOUTH 07 08110 0370 PLAN 572 LOT 180 OCTOBER 4, 1994 VM195535 OCTOBER 4, 1995 \$7,838.17
B)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	153 EAST 31ST 06 06250 1860 PLAN 561 PT LOT 108 & 109 OCTOBER 4, 1994 VM195532 OCTOBER 4, 1995 \$12,694.33
C)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	167 PARK ROW SOUTH 04 03140 0070 PLAN 297 PT LOT 188 OCTOBER 4, 1994 VM195530 OCTOBER 4, 1995 \$6,280.03
D)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	718 DUNN AVE 05 04030 7710 PLAN 573 LOT 500 & 600 OCTOBER 4, 1994 LT372252 OCTOBER 4, 1995 \$54,727.36
E)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	1308 KING STREET EAST 04 02930 5830 PLAN 478 PT LOT 2 OCTOBER 4, 1994 VM195534 OCTOBER 4, 1995 \$23,131.52
F)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	1658 KING STREET EAST 04 03040 0790 PLAN 585 LOT 45 PT LOT 44 OCTOBER 6, 1994 VM105697 OCTOBER 6, 1995 \$24,300.03
G)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	64 BELVEDERE 08 09040 8760 PLAN 457 PT LOT 11 OCTOBER 6, 1994 VM195703 OCTOBER 6, 1995 \$14,497.84

SCHEDULE "A"
EXTENSION AGREEMENTS

H)	PROPERTY ADDRESS	185 FENNELL AVE EAST
	SERIAL NUMBER	08 09010 0670
	BRIEF LEGAL DESCRIPTION	PLAN 495 LOT 93
	DATE OF REGISTRATION	OCTOBER 6, 1994
	INST # OF TAX ARREARS CERTIFICATE	VM195699
	REDEMPTION DATE	OCTOBER 6, 1995
	TOTAL ARREARS	\$15,945.23
I)	PROPERTY ADDRESS	106 KENILWORTH AVE SOUTH
	SERIAL NUMBER	04 03060 8680
	BRIEF LEGAL DESCRIPTION	PLAN 512 LOT 40 PT LOT 39 & 41
	DATE OF REGISTRATION	OCTOBER 20, 1994
	INST # OF TAX ARREARS CERTIFICATE	VM196624
	REDEMPTION DATE	OCTOBER 20, 1995
	TOTAL ARREARS	\$16,543.32

BY-LAW NO. 95 -

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 11TH DAY OF JULY A.D., 1995.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 11th day of July A.D. 1995

CITY CLERK

MAYOR

URBAN/MUNICIPAL

CAY ON HBL A05

A31

1995

The Urban/Municipal Collection
2nd Floor
Hamilton Public Library

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

URBAN MUNICIPAL

**Tuesday, 1995 August 29
7:30 o'clock p.m.
Council Chambers, City Hall**

AUG 29 1995

GOVERNMENT DOCUMENTS

**J. J. Schatz
City Clerk**

A G E N D A

1. National Anthem.

2. Opening Prayer:

*The Rev. Barry Luxon
St. John, St. Andrew & St. David's Presbyterian Church*

3. Presentation:

Civic Award for Star Systems National Talent Competition - Angela Romeo

4. Adoption of the minutes of the meeting held 1995 July 11.

5. Correspondence\Petitions

6. Reports of the Standing Committees:

- (a) *Transport and Environment Committee*
- (b) *Parks and Recreation Committee*
- (c) *Planning and Development Committee*
- (d) *Finance and Administration Committee*
- (e) *Nominating Committee*

7. Notices of Motion for next meeting.

8. First Reading of the Bills.

9. Second Reading of the Bills - Committee of the Whole.

10. Third Reading of the Bills.

11. Question Period.

12. Adjournment.

MINUTES

Minutes of Hamilton City Council
Tuesday, 1995 July 11
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor Morrow.
Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Drury, Wilson, Copps,
Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross.

Mayor R. M. Morrow called the meeting to order.

* * * * *

The National Anthem was played.

* * * * *

Captain Kevin Moore, The Salvation Army led Council in prayer.

ADOPTION OF MINUTES

The minutes of the meeting held 1995 June 27 were adopted as circulated.

CORRESPONDENCE

1. Zoning Application dated 1995 June 29 from The Corporation of the City of Hamilton, Applicant - Elite Reality Corp., Hamilton, Ontario for a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "HH" (Restricted Community Shopping and Commercial, etc.) District modified for 775 and 779 Upper Wentworth Street, Hamilton, Ontario.

Received.

2. Zoning Application dated 1995 July 5 from The Corporation of the City of Hamilton, Applicant - Hampshire Properties Inc., Hamilton, Ontario for a change in zoning from "CR-1" (Commercial-Residential) District, modified to "HH" (Restricted Community Shopping and Commercial) District, for lands located at No. 1275 Upper James Street.

Received.

3. Letter dated 1995 July 7 from the Clerk advising of objections received to By-law No. 95-129 respecting property at 370 Main Street East, Hamilton, Ontario.

Received.

4. Letter dated 1995 July 7 from the Clerk advising of objections received to By-law No. 95-127 respecting property at 1445 Main Street West, Hamilton, Ontario.

Received.

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, the Report of His Worship Mayor R. M. Morrow and the Committee of the Whole be considered in Committee of the Whole with Alderman Copps in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -15.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - NINTH REPORT

Section 10 Re: Jazz Festival.

That Section 10 be amended by deleting the words "Transport and Environment Committee" in the first line of sub-section (a) and inserting in lieu thereof the words "Commissioner of Transportation and Environmental Services" and further amended by deleting in the fourth and fifth lines the words "7:00 o'clock a.m. on Monday, 1995 July 10" and inserting in lieu thereof the words "12:00 o'clock noon on Wednesday, 1995 July 12" and further amended by deleting in the fifth line of sub-section (b) the words "Sunday, 1995 July 9" and inserting in lieu thereof the words "Tuesday, 1995 July 11".

Recorded vote on amendment.

YEAS: Mayor Morrow, Aldermen Caplan, Agro, McCulloch, Drury, Eisenberger, Jackson, D'Amico, Ross. -9.

NAYS: Aldermen Kiss, Morelli, Copps, Wilson, Charters, Merling, Anderson. -7.

CARRIED.

* * * * *

Recorded vote on Section 10 as amended.

YEAS: Mayor Morrow, Aldermen Caplan, Agro, McCulloch, Drury, Eisenberger, Jackson, D'Amico, Ross. -9.

NAYS: Aldermen Kiss, Morelli, Copps, Wilson, Charters, Merling, Anderson. -7.

CARRIED.

<p>PARKS AND RECREATION COMMITTEE - FIFTEENTH REPORT</p>

Section 2 Re: Alcohol in Parks - Club Afrique Canada - Harbourfront Park

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, Merling, Anderson, D'Amico, Ross. -15.

NAYS: Alderman Jackson. -1.

CARRIED.

* * * * *

Section 4 Re: Alcohol in Parks - Canadian Cycling Association - Commonwealth Square

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, Merling, Anderson, D'Amico, Ross. -15.

NAYS: Alderman Jackson. -1.

CARRIED.

* * * * *

Section 5 Re: Alcohol in Parks - Hamilton Hornets Rugby Football Club

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, Merling, Anderson, D'Amico, Ross. -15.

NAYS: Alderman Jackson. -1.

CARRIED.

* * * * *

Section 9 Re: Alcohol in Parks - Hamilton Tiger Cat Football Club - Ivor Wynne Stadium

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Eisenberger, Charters, Merling, Anderson, D'Amico, Ross. -14.

NAYS: Aldermen Copps, Jackson. -2.

CARRIED.

* * * * *

Section 16 Re: Use of Ivor Wynne Stadium - Cricket Fans Incorporated - Rule No. 8

It was moved by Alderman Eisenberger and seconded by Alderman Anderson that Rule No. 8 of the City's Procedural By-law No. 82-203 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting an International Cricket Match at Ivor Wynne Stadium on August 27, 1995.

CARRIED.

Section 16 Re: Use of Ivor Wynne Stadium - Cricket Fans Incorporated

It was moved by Alderman Eisenberger and seconded by Alderman Anderson that the Fifteenth Report of the Parks and Recreation Committee for 1995 be amended by adding the following as Section 16.

16. (a) That permission be given to the Director of Culture and Recreation to negotiate the terms and conditions for the use of Ivor Wynne Stadium by Cricket Fans Incorporated, of Belleville, Illinois, for the presentation of an International Cricket Match.
- (b) That the terms and conditions, include but not be limited to the following:

- (i) An appropriate rental fee and payment schedule
 - (ii) An appropriate security deposit.
 - (iii) The obligation of Cricket Fans Inc. to pay all staffing, set up, dismantling, clean up and any other charges related to the event.
 - (iv) The provision of \$5 million general liability insurance for property damage and bodily injury, naming the City as insured, including a cross liability clause, satisfactory to the City Solicitor.
- (c) That the City enter into a Licence Agreement satisfactory to the City Solicitor.
CARRIED.

* * * * *

Section 17 Re: Pre-Game Demonstration Parachute Jump at Ivor Wynne Stadium - Rule No. 8

It was moved by Alderman Eisenberger and seconded by Alderman Anderson that Rule No. 8 of the City's Procedural By-law No. 82-203 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting a Pre-Game Demonstration Parachute Jump at Ivor Wynne Stadium.
CARRIED.

Section 17 Re: Pre-Game Demonstration Parachute Jump at Ivor Wynne Stadium

It was moved by Alderman Eisenberger and seconded by Alderman Anderson that the following be added to the Fifteenth Report of the Parks and Recreation Committee for 1995 as Section 17:

17. (a) That permission be granted to the Hamilton Tiger Cat Football Club to stage a Pre-Game Demonstration Parachute Jump by the St. Catharines Parachute Club on 1995, July 24 at Ivor Wynne Stadium.
- (b) That proof of \$5 million general liability insurance for property damage and bodily injury, naming the City as insured, including a cross liability clause, satisfactory to the City Solicitor, be provided prior to the event.
- (c) That permission be conditional upon the Hamilton Tiger Cat Football Club and the St. Catharines Parachute Club acquiring all necessary approvals prior to the event.
CARRIED.

PLANNING AND DEVELOPMENT COMMITTEE - SIXTEENTH REPORT

Section 10 Re: Draft Plan of Condominium by Lineville Homes - 1067 Rymal Rd. E. - Rule No. 8

It was moved by Alderman Drury and seconded by Alderman D'Amico that Rule No. 8 of the City's Procedural By-law No. 82-203 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting a Draft Plan of Condominium by Lineville Homes, located at No. 1067 Rymal Road East. **CARRIED.**

Section 10 Re: Draft Plan of Condominium by Lineville Homes - 1067 Rymal Rd. E.

It was moved by Alderman Drury and seconded by Alderman D'Amico that the Sixteenth Report of the Planning and Development Committee for 1995 be amended by adding the following as Section 10:

10. (a) That approval be given to application CDM-95-01 (Regional File 25CDM-95003) Lineville Homes, owner, to establish a draft plan of condominium, located at No. 1067 Rymal Road East, as shown on the attached map marked as APPENDIX "A", subject to the following conditions:
 - (i) That this approval apply to the plan prepared by MacKay, MacKay, Peters Ltd. and certified by W. Bruce Clark, O.L.S., dated February 22, 1995, showing a total of 10 residential units; and,
 - (ii) That the Final Plan of Condominium be in strict conformity with the Site Plan approved on June 19, 1995 under application DA-95-17; and,
 - (iii) That the applicant satisfy all conditions of site plan approval to the satisfaction of the City of Hamilton, prior to registration of the Final Plan of Condominium; and,
 - (iv) That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton.
- (b) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision. **CARRIED.**

FINANCE AND ADMINISTRATION COMMITTEE - EIGHTEENTH REPORT

Section 1 Re: Special Committee

It was moved by Alderman Ross and seconded by Alderman Merling that Section 1 of the Eighteenth Report of the Finance and Administration Committee for 1995 be referred back with instructions to develop a Terms of Reference. **CARRIED.**

* * * * *

Section 9 Re: Public Meetings - New Development Charges By-law

It was moved by Alderman Charters and seconded by Alderman Jackson that Section 9 of the Eighteenth Report of the Finance and Administration Committee for 1995 be amended by deleting "6:30" in the second line and inserting in lieu thereof "5:30". **CARRIED.**

* * * * *

Section 16 Re: 141 Vittorito Avenue

It was moved by Alderman Charters and seconded by Alderman Jackson that Section 16 of the Eighteenth Report of the Finance and Administration Committee for 1995 be amended by inserting after the figure "\$800,000." in the first line, the words "plus GST if applicable". **CARRIED.**

Recorded vote on Section 16 as amended.

YEAS: -0.

NAYS: Mayor Morrow, Aldermen Kiss, Caplan, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. - 15. **LOST.**

* * * * *

Section 18 Re: Development and Sale of lots - Stone Church and DiCenzo Dr.

It was moved by Alderman Charters and seconded by Alderman Jackson that Sub-section (b) of Section 18 of the Eighteenth Report of the Finance and Administration Committee for 1995 be amended by adding the words "attributable to the three City owned lots" after the word "costs" in the first line. **CARRIED.**

* * * * *

Section 20 Re: 11 Arthur Avenue South - Surplus land

Alderman Charters declared personal interest in, took no part in the debate and refrained from voting on this matter. Alderman Charters is a member of the Board of the Hamilton Habitat for Humanity.

* * * * *

Section 24 Re: Purchase of 141 Vittorito Avenue

It was moved by Alderman Jackson and seconded by Alderman Anderson that the following be added as Section 24 of the Eighteenth Report of the Finance and Administration Committee:

24. (a) That the purchase price of \$800,000. plus GST (if applicable) for 141 Vittorito Avenue, as approved by City Council on 1995 June 27th in Section 20 of the Fourteenth Report for 1995 of the Parks and Recreation Committee, be financed as follows:
- (i) \$400,000. from the Reserve for Park Lands (5% Land Dedication); and,
 - (ii) \$400,000 plus GST (if applicable) from the unspent portion of the Riverdale Recreation Centre - Design Fees out of the allocation of \$500,000. from the 1994 Capital Budget from debenture issue - City By-law No. 94-095.
- (b) That the gross funding allocation for the Riverdale Recreation Centre - Design fees be reduced accordingly; and,
- (c) That the City Solicitor be requested to revise the applicable portion of By-law No. 94-095 authorizing the issuance of debenture for the Riverdale Recreation Centre - Design Fees to the acquisition of 141 Vittorito Avenue (St. Agnes Park); and,

- (d) That the City Treasurer be authorized to transfer any applicable proceeds received from the issuance of debenture for the purpose of Riverdale Recreation Centre - Design Fees under the City By-law No. 94-095; and,
- (e) That the Regional Clerk and The Regional Treasurer be advised that any applicable record of debenture proceeds received from the debenture sale under Riverdale Recreation Centre - Design Fees for the City By-law No. 94-095 be revised to the acquisition of 141 Vittorito Avenue (St. Agnes Park); and,
- (f) That forecast Parkland Acquisition expenditures to be financed from the Reserve for Park Lands in 1996 be reduced to offset the \$400,000. increase.
- (g) That the \$400,000 taken from the Reserve for Parklands (5% dedication) be replaced from the 1996 Capital Budget.

Recorded vote.

YEAS: Aldermen Kiss, Caplan, Drury, Morelli, Copps, Wilson, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -12.

NAYS: Mayor Morrow, Aldermen Agro, McCulloch, Eisenberger. -4. **CARRIED.**

REPORT OF HIS WORSHIP MAYOR R. M. MORROW - FIRST REPORT

COMMITTEE OF THE WHOLE - FIFTH REPORT

ACTING MAYOR FOR THE MONTH OF AUGUST, 1995

It was moved by Alderman Caplan and seconded by Alderman Agro that Alderman M. Kiss be appointed Acting Mayor for the month of August 1995.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, the Report of His Worship Mayor R. M. Morrow and the Committee of the Whole be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

<p>BILLS</p>

It was moved by Alderman Kiss and seconded by Alderman Caplan that the following Bills be now read a first time:

A-46, A-47, A-48.
D-51, D-52.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that Council move into Committee of the Whole to consider the following Bills, with Alderman Copps in the chair. (second reading).

A-46, A-47, A-48.
D-51, D-52.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

* * * * *

Consideration of the Bills (second reading).

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the following Bills, be adopted:

A-46, A-47, A-48.
D-51, D-52.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the following Bills, be now read a third time, signed, sealed and enrolled as By-laws:

A-46, A-47, A-48.
D-51, D-52.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 9:10 o'clock p.m.

* * * * *

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz, City Clerk
1995 July 11
JJS/dg

CORRESPONDENCE

Correspondence:

1. Letter dated 1995 July 11 from Fred Loft, General Vice-President, Local 5, Canadian Union of Public Employees respecting the Gore Park Reconstruction and the use of City/Regional employees. (previously distributed)

Recommendation: **Be Referred to the Parks and Recreation Committee**

2. Letter dated 1995 August 21 from R. Scott Smith, Secretary to the Board of Commissioners, The Hamilton Harbour Commissioners respecting Amendments to Hamilton Harbour Cargo Rates Tariff By-Law.

Recommendation: **Be Received.**

3. Letter dated 1995 August 17 from John A. Parente, Agro, Zaffiro, Parente, Orzel & Baker respecting the Application of Dabber Bingo Holdings Inc. to Relocate an Existing Bingo Hall from 690 Main Street West to 67 Frid Street, Hamilton.

Recommendation: **Be Received.**

4. Application dated 1995 August 18 from Ginfil Construction, Hamilton, Ontario for a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street Townhouse) District for lands located on the north side of Rymal Road West and approximately 85 metres east of Upper Paradise Road, Hamilton, Ontario.

Recommendation: **Be Received.**

5. Application dated 1995 August 18 from Edward Lorne Richter for a change in zoning from "C" (Urban Protected Residential, etc.) District (Block "1") and "AA" (Agricultural) District (Block "2") to "HH" (Restricted Community Shopping and Commercial) District for lands located at the rear of 1270 Upper James Street.

Recommendation: **Be Received.**



Canadian Union of Public Employees - Syndicat Canadien de la Fonction Publique

LOCAL FIVE

1130 Barton Street East, Suite 200, Hamilton, Ontario L8H 7P9

Telephone: (905) 544-3391

Fax: (905) 544-6217

President

Phil Chabot

Secretary

Ed Thomas

July 11, 1995

Hamilton City Council,
City Hall,
Hamilton, Ontario. L8N 3T4.

Attention: Mr. J. Schatz, City Clerk

City Aldermen:

A couple of months ago Council approved the reconstruction of the Gore Park area and the re installation of the old fountain in order to help revive the downtown core.

We, C.U.P.E. Local 5, support you in this endeavour and commend you for recognizing the need to make the downtown area attractive in an old fashion way. But, while we support this initiative for the revitalization of our centre of the City, we would request that such an important issue not be left in the hands of some departmental committee which will not be held accountable for mistakes and/or intentional or unintentional altering of approved plans as happened with the last set of renovations.

We would also request that in the planning of this restructuring/renovations that the City and Region try to use, where and if possible, present employees from both works departments.

There are many employees within the City and Region who have the knowledge, experience and skill that will be required when this project starts, ie. cement finishers, backhoe operators, water systems installation experts, asphalt/road builders and/or resurfacers, beautification experts, etc.

In utilizing the experienced City/Regional workers the overall costs for this project would be reduced, thereby saving the taxpayers some money and showing some respect for your workers.

Your consideration of this request would be very much appreciated. We look forward to your reply and your positive action in this matter.

Yours truly,

F. Loft
Fred Loft,
General Vice-President.
Local 5.
cc: Regional Council

JUL 13 1995

FOR CITY COUNCIL

35 James St. N.
Hamilton, Ontario, Canada
L8L 1K1

Phone Numbers
Hamilton 905-525-4330
Inwats 1-800-263-2131

Fax Numbers
Administration 905-528-6282
General Office 905-528-6554



The Hamilton
Harbour
Commissioners

August 21, 1995

The Corporation of the City of Hamilton
City Clerk's Office
71 Main Street West
Hamilton, Ontario
L8N 3T4
VIA COURIER

Attn: Mr. J.J. Schatz
City Clerk

Dear Sir;

RE: Amendments to Hamilton Harbour Cargo Rates Tariff By-Law


Attached hereto for your information is a true copy of a resolution passed by the Board of the Hamilton Harbour Commissioners on July 28, 1995, respecting minor amendments to the Hamilton Harbour Cargo Rates Tariff By-Law, P.C. 1990-1592.

These amendments are served upon you pursuant to section 20(2) of the Hamilton Harbour Commissioners' Act.

Kindly acknowledge receipt of this correspondence at your convenience.

Yours Truly,
THE HAMILTON HARBOUR COMMISSIONERS


R. Scott Smith
Secretary to the Board of Commissioners

OFFICE OF THE CITY CLERK
AUG 21 1995
REC. BY  DATE _____
REF'D. TO _____ DATE _____
REF'D. TO _____ DATE _____
REF'D. TO _____ DATE _____
ACTION: FOR CITY COUNCIL
C.C. - TREASURER
CITY SOUNCIL

6. Submitted for the consideration and approval of the Board was a memorandum respecting minor amendments to the Hamilton Harbour Commissioners' Hamilton Harbour Cargo Rates Tariff By-Law, P.C. 1990-1592, as requested by the Standing Committee for the Scrutiny of Regulations.

After discussion,

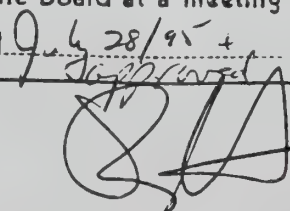
IT WAS MOVED BY Commissioner P.J. Peterson
SECONDED BY Commissioner P.J. Dillon

BE IT RESOLVED;

THAT the memorandum respecting minor amendments to the Hamilton Harbour Commissioners' Hamilton Harbour Cargo Rates Tariff By-Law, P.C. 1990-1592(appended hereto as Schedule "C") be approved.

AND THAT the Secretary to the Board of Commissioners be directed to serve upon the City Clerk of Hamilton, a certified copy of the amendments to the Hamilton Harbour Cargo Rates Tariff By-Law, P.C. 1990-1592, pursuant to section 20(2) of the Hamilton Harbour Commissioners' Act.

CARRIED

Brought to the attention
of the Board at a meeting
held July 28/95 +


MEMORANDUM

TO: The Commissioners

FROM: R.S. Smith

DATE: July 27, 1995

RE: Minor Changes to The Hamilton Harbour Commissioners Cargo Rates Tariff By-Law

Brought to the attention
of the Board at a meeting
held 27/07/95 +
[Signature]

The Standing Joint Committee for the Scrutiny of Regulations has requested that minor amendments be made to several sections of the above-noted By-Law. The amendments are as follows:

1. The removal from Section 7(2) of the reference to the inward manifest required to be delivered pursuant to Section 4(3) of the By-Law. Section 7(2) would then read as follows:

(2) Cargo rates shall not be refunded pursuant to subsection (1) unless an application for the refund is made in writing within seven days after the delivery of the manifest or the report referred to in paragraph 5(1)(a) of the outward movement of the vessel; and

2. The addition of the words "or secure all such rates to the satisfaction of the Corporation." at the conclusion of each of sections 4(1)(b) and 5(1)(b), such that the revised sections would read as follows:

4(1) The owner, master, or person in charge of every vessel arriving in the Harbour shall

(b) pay all rates in respect of the cargo to the Corporation or secure all such rates to the satisfaction of the Corporation.

5(1) The owner, master, or person in charge of every vessel departing the harbour shall

(b) pay all rates in respect of the cargo of the vessel to the Corporation or secure all such rates to the satisfaction of the Corporation.

The above-noted changes, which have been recommended by the Standing Joint Committee for the Scrutiny of Regulations, are minor in nature and do not affect the intent of the Cargo Rates

By-Law Tariff.

Following approval by the Board, the by-law amendments shall be served upon the City of Hamilton as required by S.20(2) of the Hamilton Harbour Commissioners Act.

Attached for your information is a copy of the Cargo Rates Tariff By-Law.

Brought to the attention
of the Board at a meeting
held. 27/07/55
affirmed

AGRO, ZAFFIRO, PARENTE, ORZEL & BAKER

BARRISTERS & SOLICITORS

NICHOLAS J. ZAFFIRO, Q.C.
STANLEY P. JASKOT**
MICHAEL DALE PARAYESKI
VANDA A. SANTINI
BRIAN J. LAWSON

JOHN A. PARENTE, Q.C.
FRANCIS A. DeSANTIS*
CHARLES P. CRIMINISI
DAVID A. ELLIOT
DWAIN C. BURNS

EDWARD J. ORZEL, Q.C.*
JOHN W. LOGAN
JANE A. MILANETTI
Z. S. PETE VOLARIC
PATRIZIA E. VALERI

MICHAEL L. BAKER, Q.C.
IAN P. NEWCOMBE
MARTHA B. ZIVOLAK
KATHRYN A. MCKAGUE

*Certified by The Law Society as a Specialist in Civil Litigation
**Certified by The Law Society as a Specialist in Family Law

17th August, 1995

DELIVERED BY HAND

The Clerk of the
City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Sir:

Re: Application of Dabber Bingo Holdings Inc.
to Relocate an Existing Bingo Hall from
690 Main Street West to 67 Frid Street, Hamilton

On August 14, 1995, the Bingo Hall Review Committee made a decision to recommend to Council approval of the above-mentioned application and we submit that they erred for the following reasons:

Facts:

1. While Dabber and Princess were negotiating, Dabber, contrary to the agreement between the parties and without prior notice to Princess, made its application on June 1, 1995. When this was discovered, Princess filed its application (which was being held back during negotiations, as agreed) on June 15, 1995.
2. Both applications deal with the same Bingo market, namely, the same neighbourhood, the same customer base and the same charities.
3. Both applicants are capable and responsible licensed operators and have the experience to operate a bingo hall.

Question:

The question faced by the Committee was to decide what application should be approved for licence relocation, having regard to the best interests of the community.

In this regard, it is the opinion of Staff, which Dabber and

OFFICE OF THE CITY CLERK

AUG 18 1995

REC. BY *af* DATE

REF'D. TO *af* DATE

REF'D. TO *af* DATE

REF'D. TO *af* DATE

ACTION: *for C.C.*

Princess support, that only one application could be successful and accordingly, the merits of each application should have been considered before making a decision, so that all the information necessary to make a proper decision could be considered by the Committee.

Position:

The decision of the Committee is prejudicial to the application of Princess which has not been considered by the Committee and any consideration of that application, when it comes before the Committee, will have to be a decision to deny the application, i.e., the Committee has prejudged the Princess application without giving Princess a fair hearing.

We submit that the Committee's report be referred back for review and reconsideration until the Princess application is dealt with and that Dabber be so informed to enable Dabber and other interested parties the opportunity to review both applications.

Yours truly,

Handwritten signature of John A. Parente in cursive script, with the initials "JAP" and "DH" written below it.

JOHN A. PARENTE

JAP:dh

Copies to: His Worship Mayor Robert Morrow
All Aldermen

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **TENTH** Report for 1995 and respectfully recommends:

1. That the appropriate by-law for the sale of the public walkway in the Vincent Neighbourhood between Nos. 300 and 304 St. Andrews Drive, more particularly described as Block F on Plan M-27 be enacted.
2. That a purchase order be issued to Sifto Canada, Mississauga, for the supply and delivery of Sodium Chloride Coarse Crushed as and when required by the Public Works Department, being the lowest of three tenders received in accordance with specifications issued by the Manager of Purchasing and Vendor's tender and be financed through Stock Materials Account No. CH56197 60999, as follows:

Delivered Price

\$34.85 per tonne

Picked Up Price

\$33.50 per tonne, plus applicable taxes

3. (a) That the construction of an independent concrete curb on the south side of Glenfern Avenue from Mountain Avenue to approximately 32m easterly (flankage of No. 61 Mountain Avenue) proceed as a local improvement on petition by the owners pursuant to Section 11 of The Local Improvement Act at an estimated gross cost of \$2,900. with a City's share of \$2,263. and an Owner's Share of \$637. all as provided in the 1995 portion of the 1995-2004 Capital Budget; and,
- (b) That the Finance and Administration Committee be requested to recommend a source of funding for this Capital Project; and,
- (c) That the Commissioner of Transportation/Environmental Services be authorized to construct these works on behalf of the City once all the necessary approvals have been received; and,

- (d) That the Commissioner of Public Works and Traffic be authorized and directed to prepare the necessary by-law in a form satisfactory to the City Solicitor.

4. That the City Treasurer be directed to close the following Capital Project accounts with any excess funding to be transferred to its original source of financing:

Capital Centre Number	Project Description	Authorized Gross Cost	Expended/ Committed to Date	Balance Available	Source of Financing
6092 43008	Hydro Street Lighting Conversion (Phase 2)	\$4,580,000.	\$3,387,490.97	\$1,190,266.53	Debentures & 25% Ontario Hydro Subsidy
6092 41010	Upgrade Maint. Depot (1992)	\$50,000.	\$50,000.	000	Reserve Capital Unclassified
6093 49007	Fencing/Clean up Ravine Land - Nash Road	\$125,000.	\$105,418.49	\$25,118.49	Reserve Capital Unclassified
5281 126001	Final Blacktop Locals - Hempstead, Lancing & Unsworth	\$160,400.	\$97,341.65	\$63,058.35	Capital Levy
TOTAL		\$4,915,400.	\$3,640,251.11	\$1,278,443.37	

5. (a) That Section 14 of the Seventh Report of the Transport and Environment Committee adopted by City Council on 1995 May 30, be rescinded and replaced with the following:

- (i) That the construction of an independent concrete sidewalk on the south side of Rymal Road East from Upper James Street to Springside Drive proceed as a local improvement pursuant to Section 12 of the Local Improvement Act at an estimated gross cost of \$74,800. with a City's Share of \$24,133.30 and Owner's Share of \$50,666.70 all as provided in the 1995 portion of the 1995-2004 Capital Budget; and,

- (ii) That the Finance and Administration Committee be requested to recommend a source of funding for this Capital Project; and,
 - (iii) That the Commissioner of Transportation/Environmental Services be authorized to construct these works on behalf of the City once all the necessary approvals have been received; and,
 - (b) That the appropriate by-law be enacted to authorize construction of local improvements of an independent concrete sidewalk on the south side of Rymal Road East from Upper James Street to Springside Drive.
6. (a) That Section 20 of the Sixth Report of the Transport and Environment Committee adopted by City Council on 1995 May 9, be rescinded and replaced with the following:
- (i) That the construction of an independent concrete sidewalk on the east side of Upper Gage Avenue from Stone Church Road to Quail Drive and from approximately 72m south of Loconder Drive (south limit of No. 1285) to Loconder Drive proceed as a local improvement pursuant to Section 12 of the Local Improvement Act at an estimated gross cost of \$24,790. with a City's Share of \$3,375. and Owner's Share of \$21,415. all as provided in the 1995 portion of the 1995-2004 Capital Budget; and,
 - (ii) That the Finance and Administration Committee be requested to recommend a source of funding for this Capital Project; and,
 - (iii) That the Commissioner of Transportation/Environmental Services be authorized to construct these works on behalf of the City once all the necessary approvals have been received; and,
- (b) That the appropriate by-law be enacted to authorize construction of local improvements of an independent concrete sidewalk on the east side of Upper Gage Avenue from Stone Church Road to Quail Drive and from approximately 72m south of Loconder Drive (south limit of No. 1285) to Loconder Drive.

7.
 - (a) That the existing "Alternate Side Parking" regulation on Douglas Street between Burton Street and Mars Avenue be shortened, such that the regulation commences at Keith Street and extends to Mars Avenue; and,
 - (b) That a "Permit Parking" regulation be implemented on the east side of Douglas Street between Keith Street and the Toronto, Hamilton and Buffalo Railway tracks and unrestricted on the west side between Burton and the T.H. & B. Railway tracks; and,
 - (c) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit per residence to Nos. 33, 34 and 36 Douglas Street (to a maximum of three) on a first come first served basis; and,
 - (d) That the City Traffic By-law No. 89-72 be amended accordingly.
8. That a "No Parking" regulation be implemented on the east side of Hillview Street commencing at the south end and extending to a point 30 feet northerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.
9.
 - (a) That the existing "Wheelchair Loading Zone, 8:00 a.m. to 8:00 p.m., 7 Days a Week" regulation on the east side of Mary Street commencing at a point 76 feet north of King William Street and extending to a point 20 feet northerly therefrom, be relocated, such that the regulation commences at a point 31 feet north of King William Street and extends to a point 20 feet northerly therefrom; and,
 - (b) That the City Traffic By-law No. 89-72 be amended accordingly.
10. That the existing "Permit Parking" regulation on the east side of Frederick Avenue commencing at a point 72 feet north of Britannia Avenue and extending to a point 21 feet northerly therefrom, and on the west side of Frederick Avenue commencing at a point 72 feet north of Britannia Avenue and extending to a point 22 feet northerly therefrom, be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.

11. That a "No Parking" regulation be implemented on the west side of Bunker Hill Drive between Greenhill Avenue and Par Place and that the City Traffic By-law No. 89-72 be amended accordingly.
12. (a) That a "Permit Parking" regulation be implemented on the west side of Douglas Street commencing at a point 79 feet south of Mars Avenue and extending to a point 20 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mary Pruder, No. 55 Douglas Street.
13. (a) That an "Alternate Side Parking" regulation be implemented on Maple Avenue between Kenilworth Avenue South and Crosthwaite Avenue South, such that parking is prohibited:

(i) on the north side of the street during the months of December, January, February and March and from the 1st to the 15th day of April, May, June, July, August, September, October and November; and,

(ii) on the west side of the street from the 16th to the last day of April, May, June, July, August, September, October and November; and,

(b) That the City Traffic By-law No. 89-72 be amended accordingly.
14. That a "No Parking" regulation be implemented on the north side of Laura Court commencing at Woodman Avenue and extending to a point 119 feet westerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
15. That a "No Stopping" regulation be implemented on the north side of South Street commencing at Dundurn Street South and extending to a point 40 feet easterly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.

16. (a) That a "Permit Parking" regulation be implemented on the west side of Leeming Street commencing at a point 46 feet south of Wright Avenue and extending to a point 18 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Antonina Traina, No. 77 Leeming Street.
17. That the by-law entry allowing for a "No Parking" regulation on the south and west sides of Templemead Drive commencing at Independence Drive and extending to the south property line of No. 314 Templemead Drive be rescinded.
18. That the existing "No Parking, 8:00 a.m. to 6:00 p.m., 7 days a week" regulation on the south side of Forest Avenue commencing at John Street South and extending to a point 128 feet westerly therefrom be replaced with a "Three Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation and that the City Traffic By-law No. 89-72 be amended accordingly.
19. That a "One Hour Parking Time Limit, 8:00 a.m. to 4:00 p.m., Monday to Friday" regulation be implemented on the west side of West 35th Street between Leslie Avenue and Scenic Drive and that the City Traffic By-law No. 89-72 be amended accordingly.
20. (a) That a "Permit Parking" regulation be implemented on both sides of Catharine Street North between Burlington Street East and Brock Street and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit per one, two and three family dwelling abutting the block, and any additional permits on a first come first served basis to a maximum of 28 permits.

21. That a "No Parking" regulation be implemented on the east side of Catharine Street North commencing at Cannon Street East and extending to a point 214 feet northerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
22. That the existing two-hour parking meters in the northerly and southerly branches of King Street West between Paisley and Marion Avenues be replaced with three-hour parking meters and that the City Traffic By-law No. 89-72 be amended accordingly.
23. That the existing "Alternate Side Parking" regulation on Emerald Street North between Robert Street and Barton Street East be replaced with a "No Parking" regulation on the west side and unrestricted parking on the east side and that the City Traffic By-law No. 89-72 be amended accordingly.
24.
 - (a) That a "Permit Parking" regulation be implemented on the west side of Tragina Avenue South commencing at a point 25 feet north of Central Avenue and extending to a point 29 feet northerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mrs. Carla Perette, No. 70 Tragina Avenue South.
25.
 - (a) That parking be prohibited on the north and west sides of Rockway Court from a point 233 feet east of Parkwood Crescent to the northerly end; and,
 - (b) That parking be prohibited on the south and east sides of Rockway Court from a point 271 feet east of Parkwood Crescent to the northerly end; and,
 - (c) That the City Traffic By-law No. 89-72 be amended accordingly.
26. That a "No Stopping" corner clearance be implemented on the north side of Maplewood Avenue commencing at Springer Avenue and extending to a point 82 feet easterly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.

27. That a "Thirty Minute Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on the east side of Locke Street commencing at a point 65 feet south of the south curb line of Herkimer and extending to a point 48 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
28. That a "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on both sides of Whitney Avenue between Broadway Avenue and Emerson Street and that the City Traffic By-law No. 89-72 be amended accordingly.
29. That a "No Parking" regulation be implemented on the west side of Chris Court commencing at Skyview Drive and extending to a point 97 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.
30. That a "One Hour Parking Time Limit, 24 hours a day, seven days a week" regulation be implemented on both sides of Picton Street West between Bay Street North and MacNab Street North and that the City Traffic By-law No. 89-72 be amended accordingly.
31. (a) That a "Permit Parking" regulation be implemented on the north side of Rebecca Street commencing at a point 84 feet west of Cathcart Street and extending to a point 19 feet westerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Jo-Anne Martin, No. 209 Rebecca Street.
32. That eastbound and westbound traffic on Evans Street be required to stop for northbound and southbound traffic on Emerald Street North and that the City Traffic By-law No. 89-72 be amended accordingly.

33. That northbound traffic on Acadia Drive be required to stop for eastbound and westbound traffic on Acadia Drive/Annapolis Way and that the City Traffic By-law No. 89-72 be amended accordingly.
34. That eastbound and westbound traffic on Gagliano Drive be required to stop for northbound and southbound traffic on Cellini Avenue and that the City Traffic By-law No. 89-72 be amended accordingly.
35. That northbound traffic on East 5th Street be required to stop for eastbound and westbound traffic on Empress Avenue and that the City Traffic By-law No. 89-72 be amended accordingly.
36. That westbound traffic on Denten Street be required to stop for northbound and southbound traffic on Loyalist Drive and that the City Traffic By-law No. 89-72 be amended accordingly.
37. That southbound traffic on Perthshire Court be required to stop for eastbound and westbound traffic on Brigade Drive and that the City Traffic By-law No. 89-72 be amended accordingly.
38. That southbound traffic on Graystone Drive be required to stop for eastbound and westbound traffic on Glenvale Drive and that the City Traffic By-law No. 89-72 be amended accordingly.
39.
 - (a) That the existing residential boulevard parking agreement registered as Instrument No. 63943 C.D. to the property at No. 91 Peter Street be amended, at the property owner's expense, to allow two vehicles to be parked on the City road allowance; and,
 - (b) That the City Solicitor be directed to process the documents in relation to the amendment of this agreement.

40. (a) That the two existing residential boulevard parking agreements registered as Instrument Nos. 170759 and 13448 C.D. to the property at No. 6 Somerset be discharged, at the property owner's expense; and,
- (b) That the City Solicitor be authorized and directed to process the documents in relation to the discharge of these agreements; and,
- (c) That the owner of the property be permitted to execute a revised residential boulevard parking agreement.
41. That the application of Marie Kachmarsky of the Hamilton Regional Indian Centre, No. 712 Main Street East, to lease a portion of the boulevard of St. Clair Avenue, adjacent to No. 712 Main Street East, be approved, provided that:
- (a) the applicant pays the annual fee in accordance with the fee structure approved by the City Council on 1986 March 25 (current rate is \$60.82 per space per year) plus taxes, if any, in addition to the \$10. encroachment insurance charge approved by the City Council on 1984 February 14; and,
- (b) the owner pays a one-time \$50. registration fee, as approved by the City Council on 1986 January 14; and,
- (c) the owner pays a one-time \$214. processing fee (including G.S.T.), as approved by the City Council on 1988 January 12; and,
- (d) the owner complies with the requirements as set out in the policy approved by the City Council on 1975 June 24, respecting using a portion of road allowance for parking purposes; and,
- (e) the driveway approach, parking area and other structures, as approved by the Commissioner of Public Works and Traffic, be constructed and maintained at the owner's expense; and,
- (f) the owner executes an agreement satisfactory to the City Solicitor, to indemnify and save the City harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss.

42. (a) That the existing residential boulevard parking agreement registered as Instrument No. 363696 C.D. to the property at No. 77 Homewood Avenue be amended, at the property owner's expense, to allow two vehicles to be parked on the City road allowance; and,
- (b) That the City Solicitor be directed to process the documents in relation to the amendment of this agreement.
43. (a) That an Offer to Purchase (Easement) for the installation and maintenance of an underground natural gas pipeline, executed by Union Gas Limited (J.R. Anderson, Vice-President), on 1995 August 8 and scheduled to close on or before 1995 October 5, for the lands being part of Lot 55, Concession 1, in the former Township of Ancaster, now in the City of Hamilton, being a parcel of land having dimensions of 7.657 metres (25.12 feet) more or less, along the western limit of Part 1 on Plan 62R-13242, by 3.77 metres (12.37 feet) more or less, along the northern limit of Part 1 on Plan 62R-13242, comprising an area of 28.82 square metres (310.20 square feet) more or less, also shown as the northern half of Part 4 on Plan 62R-6555, known municipally as part of 26 Ewen Road, Hamilton, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Estate Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City, and funds derived from this sale of \$1,240. be credited to Account No. CH4X501 00102 (Reserve for Property Purchases (Sales)); and,
- (b) That the required deposit cheque in the amount of \$124. be held by the City Treasurer pending Council approval; and,
- (c) That an Authority to Enter executed by Union Gas Limited on 1995 August 8, for the lands being part of Lot 55, Concession 1, in the former Township of Ancaster, now in the City of Hamilton, being a parcel of land having dimensions of 7.657 metres (25.12 feet) more or less, along the western limit of Part 1 on Plan 62R-13242, by 3.77 metres (12.37 feet) more or less, along the northern limit of Part 1 on Plan 62R-13242, comprising an area of 28.82 square metres (310.20 square feet) more or less, also shown as the northern half of Part 4 on Plan 62R-6555, known municipally as part of 26 Ewen Road, Hamilton, be approved; and,
- (d) That the Mayor and City Clerk be authorized and directed to execute the necessary documents; and,

- (e) That in accordance with Real Property Sales Procedural By-law No. 95-049,
 - (i) satisfactory Notice has been given to the public of the intended sale; and,
 - (ii) no appraisal of the fair market value of the property being sold was obtained as the lands are exempt from this requirement; and,
 - (iii) the City Clerk be authorized and directed to execute and (issue) a Certificate of Compliance in the form prescribed by Section 193 of the Municipal Act.

44. That the application of J.R. Ferreira and M.E. Ferreira, owners of No. 401 MacNab Street North, to erect and maintain the encroachment of a balcony measuring 3.96m x 0.57m and steps measuring 1.32m x 0.76m onto the road allowance of MacNab Street, be approved during the pleasure of Council, provided:

- (a) That the owner enter into an agreement satisfactory to the Commissioner of Transportation/Environmental Services to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
- (b) That the Mayor and City Clerk be authorized to sign and execute all necessary documents to implement this agreement; and,
- (c) That the owner pay a first year fee of \$252. for processing and registration and an annual fee of \$20. for this encroachment.

45. That the action of the Commissioner of Transportation/Environmental Services be confirmed in permitting the application of The Regional Municipality of Hamilton-Wentworth, to temporarily close the following City streets on Saturday, 1995 July 23 from 9:00 o'clock a.m. to 10:00 o'clock p.m. and on Sunday, 1995 July 24 from 9:00 o'clock a.m. to 8:00 o'clock p.m.:

Bay Street North from Burlington to Guise
MacNab Street North from Burlington to Guise
James Street North from Burlington to Guise
Hughson Street North from Burlington to Guise
John Street North from Burlington to Guise
Catharine Street North from Burlington to Guise
Mary Street North from Burlington to Guise

Ferguson Avenue North from Burlington to Guise
Guise Street from Bay to Ferguson
Wood Street from Bay to Burlington
Brock Street from Mary to Hughson

be approved, provided that:

- (a) That the prior approval of the Chief of Police or his/her designate be received, and that such permits or authorizations as may be required by the Chief of Police or his/her designate be obtained; and,
- (b) That the applicant provide a certificate of insurance evidencing \$2,000,000. public liability insurance; that the Corporation of the City of Hamilton is shown as an additional insured; and that the policy provides for cross-liability and severability; and,
- (c) That the applicant agree, in writing, to hold the Corporation of the City of Hamilton harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss; and,
- (d) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his/her designate; and,
- (e) That all barricading be supplied by and at the expense of the applicant; and,
- (f) That "Temporary Road Closure" signs be installed in advance by the Department of Public Works and Traffic, on the affected roadways, if deemed necessary by the Commissioner of Public Works and Traffic; and,
- (g) That the applicant ensure that clean up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the Commissioner of Transportation/ Environmental Services and at the expense of the event organizer; and,
- (h) That no property owner or resident within the barricaded area be denied access to their property upon request; and,
- (i) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation/Environmental Services.

46. (a) That the following City land be incorporated into various streets:
- | | | |
|---------------------|----------|--------------------|
| Upper Paradise Road | Block 69 | Plan 62M-747 |
| Hawkswood Trail | Block 75 | Plan 62M-747; and, |
- (b) That the by-laws to carry out the incorporation of the said land into the foregoing streets be enacted by Council; and,
- (c) That the Commissioner of Transportation/Environmental Services be authorized and directed to register the by-laws.
47. (a) That Hamilton Hydro Electric System, Bell Canada and Cable TV be directed to bury the overhead wires on MacNab Street South between Bold and Hurst, on Charles Street between Bold and Hurst and on Hurst Place between MacNab and Park in conjunction with the 1995 Reconstruction Program; and,
- (b) That historic street lighting be installed on MacNab, Charles and Hurst Place within the above-noted limits; and,
- (c) That the Finance and Administration Committee recommend the method of financing this work estimated at \$100,000.
48. (a) That \$75,000. be used from CF52954201012 Roadway and Sidewalk Reconstruction Program for the reconstruction of walkways in Gore Park; and,
- (b) That the Region be authorized to proceed with this project expeditiously.
49. That Cannon Street East between Sherman Avenue and Lottridge Street be deleted from the "Through Street" designation in order that on street parking be allowed between 2:00 a.m. and 7:00 a.m. each day and that the City Traffic By-law No. 89-72 be amended accordingly.
50. That a School Crossing Guard be located on a permanent basis at Stinson Street and Wentworth Street South during the morning and evening school crossing periods only.

51. (a) That the Region of Hamilton-Wentworth be requested to include within the scope of their proposed Sewer Laterals - Ownership and Maintenance Plan, the management of tree roots in sewer laterals for both City and Regional trees; and,
- (b) That the Region of Hamilton-Wentworth be requested to initiate their management plan of sewer laterals and tree roots in sewer laterals in the Region's 1996 Capital Budget; and,
- (c) That upon the endorsement by both City and Regional Councils of the tree roots in sewer laterals aspect of the proposed Regional Sewer Laterals - Ownership and Maintenance Plan, the City transfer the full current budget funding available for costs relating to tree root blockage/damage by City trees, in Account No. CH56321 60430 and CH55351 60430 being \$91,560. and funds related to tree root blockage/damage on Regional Roads CH56398 62903 and, in addition, a one time payment for the first year of phase in for the maintenance plan, of \$68,285.33 being that amount over expended for City tree root management in 1994; and,
- (d) That, in the interim, the Commissioner of Public Works and Traffic notify the Region of Hamilton-Wentworth of sewer lateral defects discovered during tree root removal procedures.
52. (a) That the City's Chief Administrative Officer be directed to establish an interdepartmental review team to evaluate the cost/benefits of the proposed transfer of ownership of the Upper Ottawa Landfill Site to the City; recognizing that the evaluation will include but not be limited to the following issues:
- (i) The status of outstanding debt/debenture for capital works completed, in progress and projected as necessary to ensure the integrity and function of the landfill site; and,
- (ii) Options for environmental impairment liability through insurance via the Region or indemnification agreements which protect the City against environmental liabilities; and,
- (iii) Comprehensive site planning to establish realistic end use options recognizing current constraints, regulations and public perceptions for land fill sites; and,
- (iv) Capital and current budget implications for end use alternatives; and,

- (v) Review of land transfer boundaries to reflect optimum current use and proposed end use; and,
 - (b) That the Region of Hamilton-Wentworth be advised that the City of Hamilton will not accept transfer of the landfill site prior to completing this review.
53. (a) That the West Central Branch of the Ministry of the Environment and Energy (MOEE) be advised that the City of Hamilton supports, in principle, Premier Waste Systems Ltd. receiving an amendment to its Provisional Certificate of Approval to operate a Waste Disposal Site (Processing) for the site located at No. 306 Lake Avenue North, Hamilton, subject to the following conditions:
- (i) Premier Waste Systems' request to accept 10% food and other putrescible type of domestic waste (commercial) from their total daily collection not be accepted; and,
 - (ii) Proper corrective actions by Premier Waste Systems to prevent or resolve any loading increases to the sewage treatment plant through sewage discharges be initiated accordingly. These initiatives may include, but is not limited to, pollution prevention measures, utilizing a licensed waste hauler, an Overstrength Agreement or a Compliance Agreement (subject to approval); and,
 - (iii) Premier Waste Systems implement measures for monitoring and detecting "off-site" odour emissions and controlling odour from off-loading trucks before the vehicles leave the premises. Furthermore, the truck hauling areas should also be de-odourized on a regular basis; and,
 - (iv) All environmental safeguards normally associated with this type of activity are implemented to the satisfaction of the MOEE, and that all applicable City By-laws are complied with fully; and,
- (b) That the MOEE clarify, to the Region, the methodology the proponent will utilize to ensure all solid non-hazardous IC&I wastes amounts received and stored daily do not exceed the established quantities, in the absence of a weigh scale on site; and,
 - (c) That a copy of this report be forwarded to the West Central Branch of the MOEE for their consideration in the preparation of the Certificate of Approval regulating the activities proposed by Premier Waste Systems; and,

- (d) That the MOEE be requested to forward a copy of Premier Waste Systems final amended Certificate of Approval for the operation of a Waste Disposal Site (Processing) to the City of Hamilton.
54. (a) That the West Central Branch of the Ontario Ministry of Environment and Energy (MOEE) be advised that the City of Hamilton has no objection to Plastimet Inc. receiving a Provisional Certificate of Approval for a Waste Disposal Site (Processing), located at No. 119 Princess Street, Hamilton, provided that all environmental safeguards normally associated with this type of activity are implemented to the satisfaction of the MOEE, and that all applicable City By-laws are complied with fully; and,
- (b) That a copy of this report be forwarded to the West Central Branch of the MOEE for its consideration in the preparation of the Provisional Certificate of Approval which would apply to the development and operation of the facility proposed by Plastimet Inc.
55. (a) That the application of Y. Tsangarakis, proprietor of the Diva Wine Bar and Bistro, (33 Hess Street South, Hamilton), on behalf of the owners, Tarador Holdings, to establish an outdoor boulevard cafe at No. 33 Hess Street South, measuring 6.45m x 3.66m, on the Hess Street South road allowance, be approved during the pleasure of Council, subject to the following:
- (i) That the applicant and owner enter into a Boulevard Cafe Agreement in a form satisfactory to the Commissioner of Transportation/Environmental Services and the City Solicitor; and,
 - (ii) That the applicant or owner pay the processing and registration fee of \$958. and first annual encroachment fee of \$200. plus taxes, if applicable; and,
 - (iii) That the applicant provide proof of \$2,000,000. public liability insurance, naming the City of Hamilton and holding the City harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss; and,
 - (iv) That the applicant occupy the licensed area of the boulevard from May 1 to October 31 of each year of the agreement, and that all furniture, equipment, etc. be removed from the road allowance at all other times; and,

- (v) That the applicant provide access for the physically disabled utilizing the Barrier Free Design Standards adopted by Council on 1994 October 25; and,
- (vi) That clearance and access be provided for Hamilton Hydro and Union Gas for their plants within the patio limits; and,
- (b) That the Mayor, the City Clerk and the City Treasurer be authorized and directed to execute the Boulevard Cafe Agreement.

56. That the action of the Commissioner of Transportation/Environmental Services be approved in authorizing the applications of the National Cycling Championship organization to temporarily close the following City streets:

- (a) From 6:00 o'clock p.m. to 11:00 o'clock p.m. on Friday, 1995 August 25:

Hess Street:	Main Street to King Street
George Street:	Queen Street to Pearl Street
Pearl Street:	King Street to George Street

to hold the Hess Village Criterium; and,

- (b) From 12:00 o'clock noon to 6:00 o'clock p.m. on Sunday, 1995 August 27:

MacNab Street:	Herkimer Street to Duke Street
Duke Street:	Hess Street to MacNab Street
Hess Street:	Duke Street to Main Street

to hold the Hamilton Senior Men and Women cycling race, subject to the following conditions:

- (i) That the prior approval of the Chief of Police or his/her designate be received, and that such permits or authorizations as may be required by the Chief of Police or his/her designate be obtained; and,
- (ii) That the applicant provide proof of \$5,000,000. public liability insurance naming the Region and the City of Hamilton as an added insured party with a provision for cross liability, and holding the Region and the City of Hamilton harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,

- (iii) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his/her designate; and,
 - (iv) That all barricading be supplied by and at the expense of the applicant; and,
 - (v) That "Temporary Road Closure" signs be installed in advance by the City of Hamilton Department of Public Works and Traffic, on the affected roadways, if deemed necessary by the Commissioner of Public Works and Traffic; and,
 - (vi) That the applicant ensure that clean up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the Commissioner of Transportation/ Environmental Services and at the expense of the event organizer; and,
 - (vii) That no property owner or resident within the barricaded area be denied access to their property upon request; and,
 - (viii) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation/Environmental Services.
57. (a) That the application of the Westdale Village B.I.A. to temporarily close King Street West between North Oval and Sterling Street from Thursday, 1995 September 14 at 6:00 o'clock p.m. to 12:00 o'clock midnight on Saturday, 1995 September 16, in order to hold a "Fall Festival 95"; be approved, subject to the following conditions;
- (i) That the prior approval of the Chief of Police or his/her designate be received, and that such permits or authorizations as may be required by the Chief of Police or his/her designate be obtained; and,
 - (ii) That the applicant provide proof of \$2,000,000. public liability insurance, naming the City and the Region as an added insured party with a provision for cross liability, and holding the City and the Region harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,

- (iii) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his/her designate; and,
 - (iv) That all barricading be supplied by and at the expense of the applicant; and,
 - (v) That "Temporary Road Closure" signs be installed in advance by the City of Hamilton Department of Public Works and Traffic, on the affected roadways, if deemed necessary by the Commissioner of Public Works and Traffic and at the expense of the applicant; and,
 - (vi) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the City and at the expense of the event organizer;
 - (vii) That no property owner or resident within the barricaded area be denied access to their property upon request;
 - (viii) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation/Environmental Services.
- (b) That the applicant be permitted to have currently liquor licenced establishments within the closure area sell alcohol on the King Street West road allowance, between North Oval and Sterling Street, from 12:00 o'clock noon to 11:00 o'clock p.m. on Friday 1995 September 15 and from 12:00 o'clock noon to 11:00 o'clock p.m. on Saturday, 1995 September 16, provided that:
- (i) The applicant provide proof of \$5,000,000. public liability insurance, naming the City and the Region as an added insured party with a provision for cross liability, and holding the City and the Region harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
 - (ii) The L.L.B.O. be advised that the City of Hamilton has no objection to the issuance of a temporary extension of liquor licence for the New Village Restaurant, Hillebrand Wine Shop, the Bean Bar and the Snooty Fox from Friday, 1995 September 15, to Saturday, 1995 September 16, in conjunction with the Westdale Village Fall Festival 95, on the condition the above noted requirements are satisfied.

58. That four-way stop control be implemented at the intersection of Britannia Avenue and Tolton Avenue and that the City Traffic By-law No. 89-72 be amended accordingly.
59. (a) That the Region of Hamilton-Wentworth's Transportation and Environmental Services Group be advised that the City of Hamilton does not wish to participate in a Request for Proposal with the Region, for the collection of residential garbage in the City of Hamilton; and,
- (b) That the Commissioner of Public Works and Traffic be directed to continue with the existing public sector format for curbside collection in Hamilton recognizing the Department's commitment to a continuous improvement program which is aimed at delivering incremental service improvements and tangible cost savings; and,
- (c) That the Commissioner of Public Works and Traffic be directed to report on an ongoing basis on further cost savings in waste management, achievable through continuous improvement and reflecting operational efficiencies derived from the implementation of the new Regional Solid Waste Management Contract; and,
- (d) That the Chief Administrative Officer, Commissioner of Public Works and Traffic and the Commissioner of Human Resources be directed to commence early negotiations with the Local Union representatives to address the City of Hamilton Sanitation Division Union Contracts for 1996 and beyond.
60. That leave be granted to introduce the following Bills:
- (a) A-49 A By-law to incorporate City Land Designated as Block 75 on Plan 62M-747 into Hawkswood Trail
- (b) A-50 A By-law to incorporate City Land Designated as Block 69, Plan 62M-747 into Upper Paradise Road
- (c) A-51 A By-law respecting the Sale of the Public Walkway Located Between Nos. 300 and 304 St. Andrews Drive, Designated as Block F on Plan M-27, closed by By-law No. 95-106

1995 August 29

- (d) A-52 A By-law to Authorize the construction as Local Improvements as a City initiative (without petition) under Section 12 of the Local Improvement Act of independent concrete sidewalks on the south side of Rymal Road East from Upper James Street to Springside Drive
- (e) A-53 A By-law to Authorize the construction as Local Improvements as a City initiative (without petition) under Section 12 of the Local Improvement Act of independent concrete sidewalks on the east side of Upper Gage Avenue from Stone Church Road to Quail Drive and from approximately 72m south of Loconder Drive (south limit of No. 1285) to Loconder Drive
- (f) A-54 A By-law to Amend By-law No. 89-72 to Regulate Traffic
- (g) A-55 A By-law to Amend By-law No. 89-72 to Regulate Traffic

Respectfully Submitted,

Kevin C. Christenson
Secretary

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

1995 August 21

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **SIXTEENTH** Report for 1995 and respectfully recommends:

1. (a) That the 1995 Civic Awards Program be revised to include the Sesquicentennial theme and that the current recognition program be extended to include those organizations achieving recognized City, Sesquicentennial Championships; and,

 (b) That funding in the amount of \$15,000. be allocated from Account No. CH56126 84010 (Civic Awards) for this revised program.
2. That the City of Hamilton Waterfront Park be officially named "Bayfront Park".
3. That the Department of Public Works and Traffic be directed to deliver and install two sets of portable bleachers for the Streetball - 3 on 3 Basketball Tournament, scheduled for 1995 August 26 to August 27 on Bay Street in front of Copps Coliseum, at a cost to the organizer, Sport Corp., not to exceed \$800.
4. That Mr. R. Chrystian, Manager of Parks, be the designated City Representative on the Bay Area Implementation Team (BAIT).
5. That the new Parks By-law No. 95-126 be amended to:
 - (a) replace all references to the Director of Public Works with Commissioner of Public Works and Traffic; and,
 - (b) include a definition for the Director of Culture and Recreation; and,

- (c) replace various provisions associated with the enforcement of the illegal parking and moving violations in City parks; and,
- (d) replace a sign schedule for the erection of traffic and parking signs in City Parks; and,
- (e) change all references to disabled persons, blind persons and hearing impaired persons to "persons with disabilities"; and,
- (f) replace the appropriate wording to not allow persons in City Parks to be "in possession of" alcohol without the necessary approvals.

6. That the City Treasurer be directed to close the following Capital Project accounts with any excess funding to be transferred to its original source of funding:

Capital Centre Number	Project Description	Authorized Gross Cost	Expended/ Committed To-Date	Balance Available	Source of Funding
419454014	Waterfront Park - washrooms	\$48,260.	\$48,260.	\$ 0	T.B. McQuesten CF 5200 629254005

- 7. (a) That staff be authorized to issue a purchase order in the amount of \$66,312. plus applicable taxes to Bestco Construction Corp., to complete the work of the Sackville Hill Seniors Recreation Centre Woodworking Shop Expansion, to be charged to Account No. CF709441038; and,
- (b) That, approval be given of the action taken to process this through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the Chief Administrative Officer and that any action taken under this provision to be reported to the next regular meeting of City Council".

8. (a) That approval, as required by Parks By-law No. 95-126, Section 40 (b), to sell merchandise in a park be granted to the organizers of "That's Bizarre" to host the Yard Sale, 1995 September 9, in Durand Park, subject to the following terms and conditions:
 - (i) That proof of insurance be provided, in the amount of \$2 million for Comprehensive General Liability, Property Damage, Bodily Injury subject to cross liability and severability provisions, naming the City as additional insured; and,
 - (ii) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.); and,
 - (iii) That a Special Duty Officer as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense; and,
- (b) That the event be monitored by the City's Special Events/Festival Advisory Team, with a post-event report submitted to Committee.
9. That the following policy respecting Municipal Golf Course Membership refunds be approved and implemented for the remainder of the 1995 golf season:
 - (a) Refund requests shall be granted any time for medical reasons, provided a letter of request is submitted with a Doctor's certification, along with a copy of the receipt and membership card. Refunds shall be pro-rated on a monthly basis, based on a seven month season, effective upon receipt of the refund request. A \$10. service charge will be assessed on all refunds; and,
 - (b) A pro-rated (as above) refund will be provided to any member who is not satisfied and wishes to resign prior to May 1. The request must be supported in writing, stating the reason (s) for the resignation. A \$10. service charge will also be assessed; and,
 - (c) Refunds on a pro-rated basis may also be granted with written proof of job-related residence relocation.

10. That approval be granted as required by Parks By-law No. 95-126, Section 11, to allow the sale of alcoholic beverages in the park during the occasion of the Hamilton Downtown Rotary Club's Barbecue that is being held on 1995 August 30, 4:00 o'clock p.m. to 11:00 o'clock p.m., subject to the following terms and conditions:
 - (a) That proof of insurance be provided in the amount of \$5 million for Comprehensive General Liability, Property Damage, Bodily Injury, and including Liquor Liability, subject to cross-liability and severability provisions, naming the City as additional insured; and,
 - (b) That alcoholic beverages be served in a confined, fenced area; and,
 - (c) That the applicant adhere to the regulations stipulated by the Liquor Licence Board in the provision of alcohol sales; and,
 - (d) That those organizers and their workers who are providing alcoholic beverages be encouraged to participate, on a voluntary basis, in a "Server Intervention Training Program"; and,
 - (e) That the applicant assume responsibility for all labour related charges associated with the event, (set-up, dismantling, clean-up, etc.); and,
 - (f) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense; and,
 - (g) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.
11. That the Mayor, on behalf of City Council write to the Prime Minister of Canada, the Minister of Canadian Heritage and local Members of Parliament to urge the Federal Government to reconsider the funding cuts and elimination of programmes to our museums and galleries which have benefitted immeasurably from a number of these programmes including but not limited to the Museum Assistance Programme (MAP), The Canadian Conservation Institute, Access to Archaeology Program, Cultural Initiative Program, Exhibit Transportation Service, and The Canada Council's Art Bank.

12.
 - (a) That approval be granted to enter into an agreement with Bestco Construction and S.M. Roscoe Inc. Architects on behalf of the Hamilton Skating Club to design build an addition to the Mountain Skating Centre located at No. 25 Hester Street at a cost not to exceed \$165,000. for the building of adjacent office, storage and kitchen space along the north east corner of the facility; and,
 - (b) That funding for this project be the sole responsibility of the Hamilton Skating Club; and,
 - (c) That prior to construction beginning, the Director of Culture and Recreation negotiate a License Agreement to govern the construction phase and the occupancy of the addition and upgraded Exercise Room by the Hamilton Skating Club in a form satisfactory to the City Solicitor and to include the following terms and conditions:
 - (i) That the Hamilton Skating Club to enjoy exclusive use of this addition for a term of not less than 25 years; and,
 - (ii) That, provision be made within the agreement to make the Exercise Room accessible to the public or subject to programming; and,
 - (iii) That all construction drawings be subject to prior approval by the City; and,
 - (iv) That upon completion of this building addition it remain the property of the City of Hamilton subject to the terms and conditions of the negotiated agreement.
13.
 - (a) That the Public Works and Traffic Department (Parks Division) be authorized to explore with relevant stakeholder groups, potential sites for a new permanent location for the Aviary exclusive of Harvey Park and Dundurn Park including Dundurn Castle; and,
 - (b) That the results of this exploratory study be reported to Parks and Recreation Committee by 1996 January 31.

14. That Sub-section (c) of Section 7 of the First Report for 1995 of the Parks and Recreation Committee be amended to reflect the change in New Mum Show Committee members with signing authority as follows:
 - "7(c) That all expenditures charged to the reserve account be authorized by requisitions signed by the New Mum Show Secretary and countersigned by the Mum Show Chairperson, plus either the Resource Development Chairperson or the Trade Show Manager."
15.
 - (a) That the City of Hamilton and the Regional Municipality of Hamilton-Wentworth jointly incorporate a not-for-profit Corporation to manage the 1996 Grey Cup Festival and events under the Co-Chairmanship of Ms. Marnie Paikin and Mr. Ron Foxcroft; and,
 - (b) That the incorporation documents be in a form and substance satisfactory to the City Solicitor; and,
 - (c) That Mayor R. Morrow and Regional Chairman T. Cooke be recognized as the Honourary Chairmen of the Grey Cup Festival Corporation; and,
 - (d) That the \$110,000. previously approved by City Council as the 1995 expenditures for this Festival be transferred to a separate bank account for the 1996 Grey Cup Festival Corporation to the Bank of Montreal, Main Branch, Hamilton; and,
 - (e) That the balance of the \$1,410,000. be forwarded upon receipt of detailed budgets outlining the proposed expenditures and the business plan to fully recover the \$1,520,000. plus the interest foregone by the City, by the Grey Cup Festival Corporation; being authorized by the Finance and Administration Committee and City Council; and,
 - (f) That the 1996 Grey Cup Festival Corporation maintain separate financial records from the City's financial records, and provide the Treasurer with:
 - detailed analysis of expenditures on a quarterly basis
 - revenue as and when received up to \$1,520,000.
 - audited financial statements at the termination of the Corporation; and,
 - (g) That the City Clerk, J. Schatz, be the City's representative on the Grey Cup Festival Corporation to facilitate the business of the Corporation through City Council; and,

- (h) That the Regional Municipality of Hamilton-Wentworth confirm its understanding that after the CFL's share of the net profits (49%) is subtracted from the net profit, that the remaining surplus is equally shared between the Regional Municipality of Hamilton-Wentworth and the City of Hamilton.
16. That an amount of \$662.33 be returned to the City of Hamilton for subsidizing the 1995 Ontario Chapter, Canadian Public Works Association's Golf Tournament at King's Forest Golf Course on Thursday, 1995 June 15.
17. (a) That approval, as required by Section 7, Sub-section 2, of City of Hamilton By-law No. 92-155 respecting trees be given for removal of up to six trees in Dundurn Park and excavated slope north of the Park referred to and identified as numbers 53 through 58 inclusive and approximately 25 seedlings or Manitoba Maples shown in area I on the attached plan and marked as Appendix "A"; and,
- (b) That the excavated areas be replanted with native and historical appropriate species to control erosion and reinstate the historical landscape; and,
- (c) That the cost of the tree removal and the replanting be charged to Dundurn Restoration Account No. CF 719441022.
18. That leave be granted to introduce the following Bill:
- B-4 A By-law to Amend Parks By-law No. 95-126

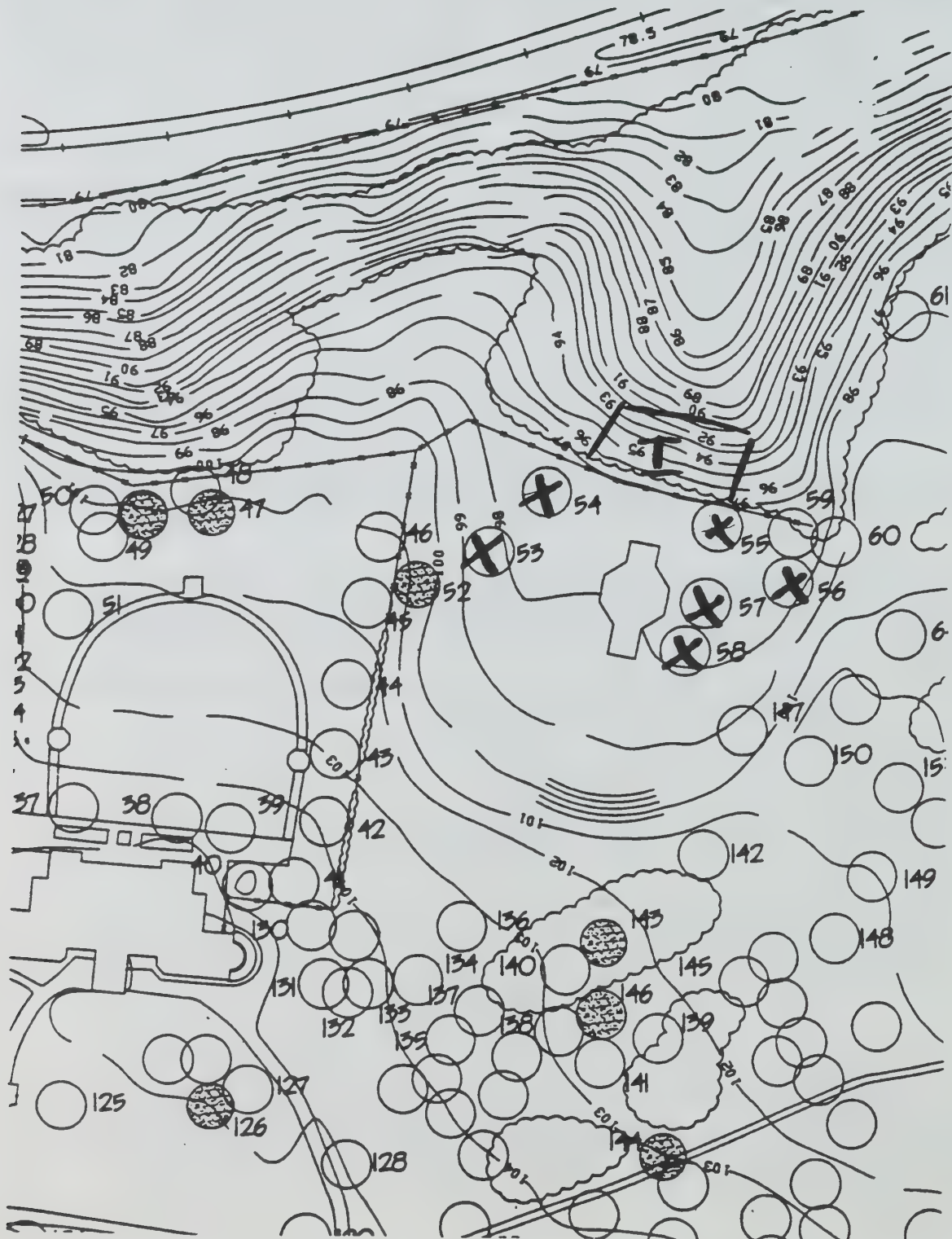
Respectfully Submitted,

Kevin C. Christenson
Secretary

ALDERMAN F. EISENBERGER, CHAIRPERSON
PARKS AND RECREATION COMMITTEE

1995 August 22

Appendix "A" as referred to in
Section 17 of the SIXTEENTH
Report of the Parks and
Recreation Committee for 1995



REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **SEVENTEENTH** Report for 1995 and respectfully recommends:

1.
 - (a) That City Council direct the Law Department to request the Ontario Municipal Board to adjourn and reschedule the Harbour Hearing which is scheduled to commence 1995 October 2; and
 - (b) That City Council direct the Law Department to request the Ontario Municipal Board to reschedule the next Harbour Prehearing Conference which is scheduled for 1995 September 11; and,
 - (c) That City Council authorize the Law Department to offer the Hamilton Harbour Commissioners the settlement package, as set forth in a Private and Confidential Report from the Chief Administrative Officer, the Director of Planning and the City Solicitor dated 1995 August 22, (copies of which are available from the Secretary), on a without prejudice basis, as a complete settlement of all outstanding matters presently before the Ontario Municipal Board.
2. That City Council reject the offer to settle the Ontario Municipal Board appeals concerning Rental Housing Protection Act Application CU-93-001 and Zoning Application 93-32.
3. That approval be given to Zoning Application 95-17, Madan Gopal Sharma, owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street-Townhouse) District, modified, to permit development of the subject lands for street townhouses, for the property located at the rear of 914 Upper James Street fronting onto Caledon Avenue, shown on the attached map marked as Appendix A", on the following basis:
 - (a) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as the Ministry of Environment and Energy has advised in writing that:

the applicant has completed an Environmental Assessment, and any required works, to the satisfaction of the Ministry of Environment and Energy.

City Council may remove the 'H' symbol, and thereby give effect to the "RT-30" District, modified, provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled; and,

- (b) That the lands be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-30" - 'H' (Street-Townhouse - Holding) District; and,
- (c) That the "RT-30" (Street-Townhouse) District regulations, as contained in Section 10F of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special provision:

That notwithstanding Section 10F. (4)(c), a side yard of a width of not less than 1.2 m shall be provided and maintained along the entire southerly lot line; and,

- (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1344, and the subject lands on Zoning District Map W-9 be notated S-1344; and,
- (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9 for presentation to City Council; and,
- (f) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

- 4. (a) That approval be given to Official Plan Amendment No. 131 to establish a Special Policy Area to permit general office uses within the existing building, for property municipally known as No. 121 Augusta Street, as shown on the attached map marked as Appendix "B", and that the City Solicitor be directed to prepare the By-law of Adoption, in accordance with Section 17(16) of the Planning Act for submission to the Regional Municipality of Hamilton-Wentworth; and,
- (b) That approval be given to Zoning Application ZAC-95-20, Community Adolescent Network of Hamilton, owner, requesting a modification to the established "L-mr-2" (Planned Development - Multiple Residential) District regulations, to permit general offices only within the existing building, for property located at No. 121 Augusta Street, as shown on the attached map marked as Appendix "B" on the following basis:

1995 August 29

- (i) That the "L-mr-2" (Planned Development - Multiple Residential) District regulations, as contained in Section 17B of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - 1. That notwithstanding Section 17B(4) of Zoning By-law No. 6593, the following shall be permitted:
 - (aa) general offices, only within the existing building;
 - (bb) a ground sign in the front yard of an area of not more than 1.2 square metres and a height of not more than 1.2 m and either non-illuminated or illuminated by non-flashing, indirect, or interior means only;
 - 2. That notwithstanding Section 18A(7), three of the required parking spaces shall have a length of not less than 5.2 m;
 - 3. That Section 18A(9) shall not apply to the required loading space;
 - 4. That Section 18A(11)(b) shall not apply;
 - 5. That notwithstanding Section 18A(12)(c), a visual barrier of not less than 1.0 m in height shall be provided and maintained along the easterly lot line adjoining the parking area.
 - 6. That Section 18A(14) shall not apply;
- (ii) that the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1345, and that the subject lands on Zoning District Map E-5 be notated S-1345; and,
- (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council; and,
- (iv) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 131 by the Regional Municipality of Hamilton-Wentworth; and,
- (c) That the amending Zoning By-law not be forwarded for passage by City Council until such time as:

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- (i) The Ministry of Environment and Energy has advised in writing that the Phase I and II Environmental Audit and the Noise and Vibration Study comply with the Ministry's requirements; and,
 - (ii) The applicant has applied for and received approval of a site plan, registered on title, for the parking area; and,
- 5. (a) That application SAC-91-01 (Regional File No. 25T-91002(R)), Owen Jackson et. al., owner, to establish a draft plan of subdivision "Nash Acres", for lands located at the northerly end of Derek Court, south of King Street East, as shown on the attached map marked as Appendix "C", be denied for the following reasons:
 - (i) The proposal conflicts with the general intent of the City of Hamilton Official Plan; and,
 - (ii) The proposal conflicts with the general intent of the Hamilton-Wentworth Official Plan; and,
 - (iii) The proposal conflicts with the general intent of the approved Gershome Neighbourhood Plan; and,
 - (iv) The proposal does not comply with the City of Hamilton Zoning By-law No. 6593; and,
 - (v) The proposal is considered to be premature pending the applicant demonstrating the suitability of the subject lands for development; and,
 - (vi) The subject lands are located in the Red Hill Creek - King's Forest Environmentally Sensitive Area. In this regard, the proposal would negatively affect the ESA; and,
- (b) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.
- 6. (a) That approval be given to application CDM-94-01 (Regional File 25CDM-94004), Herman Turkstra, owner, to establish a draft plan of condominium "Hereford House", located at 13-15 Bold Street, as shown on the attached map marked as Appendix "D", subject to the following conditions:
 - (i) That this approval apply to the plan prepared by A.J. Clark and Associates and certified by B. J. Clarke, O.L.S., dated June 13, 1994,

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as revised in red on Appendix "E", showing a total of 11 commercial units; and,

- (ii) That the Condominium Corporation enter into a Boulevard Parking Agreement in respect of its paving Bold Street to provide parking spaces; and,
 - (b) That the approved Durand Neighbourhood Plan be amended to change the designation of the subject lands from "Medium Density Apartments" to "Commercial"; and,
 - (c) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.
7. (a) That approval be given to application CDM-CONV-95-004, Sachetta Investments Limited, owner, to establish a draft plan of condominium at 41-43 Albert Street, as shown on the attached map marked as APPENDIX "F", subject to the following conditions:
- (i) This approval applies to the plan prepared by B.J. Clarke O.L.S. dated March 23, 1995, showing a total of 12 residential units; and
 - (ii) The owner shall submit revised plans showing the floor plans, including the units and common areas, with dimensions for the subject property; and,
- (b) The owner submit an application to the City for the City to pass a by-law to close and sell at fair market value that portion of the road allowance occupied by the applicant's building, receiving City approval to their Offer to Purchase and completing the purchase; and,
- (c) The owner receive the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-95-004); and,
- (d) That the property be redesignated on the approved Blakeley Neighbourhood Plan from "Single and Double Residential" to "Low Density Apartments"; and,
- (e) The owner satisfy all conditions, financial and otherwise, of the City of Hamilton.

1995 August 29

8. That a letter be sent to Premier Mike Harris and The Honourable Marilyn Mushinski, Minister of Citizenship, Culture and Recreation, strongly supporting the continuation under MCCR of the Heritage Funding programs which hadformerly been transferred to jobs Ontario, with copies being sent to area MPP's.
9. That, in accordance with the Minister of Canadian Heritage, Mr. Michel Dupuy's decision to recognize Victoria Hall at 68 King Street East as a National Historic Site, and the recommendation of the Local Architectural Conservation Advisory Committee, City Council:
 - a) proceed with the acquisition of the building located at 68 King Street East and the adjacent MacKay Building at 66 King Street East (deeded as a single property); and,
 - b) follow the recommendation of Lansink, Best & McIver Ltd., Real Estate Appraisers and Consultants, to expropriate the two properties under the provincial Expropriation Act; and,
 - c) that this matter be referred to the Finance and Administration Committee to determine the method of financing.
10. That, in view of the architectural/historical significance of Victoria Hall and its recent recognition as a National Historic Site by the Historic Sites and Monuments Board of Canada, and the critical importance of maintaining the continuous frontage of the Gore Park streetscape, the owner's request for de-designation (under the provisions of the Ontario Heritage Act) be denied.
11. That approval be given for a Heritage Permit for the Phase 2 Restoration of Dundurn Castle and Cockpit to include the following alterations:
 - (i) General: stucco replacement on specified wall surfaces (including eave bracket sections and chimneys of main building); and,
 - (ii) Main Building: restoration of wood balustrade at roofline, with new wood panels and balusters to match original (existing railing to be retained); and,
 - (iii) Main Building - kitchen wing: alterations to window/door openings: restoration of two original window bays, one on west and one on east elevation; blocking up of one doorway (not original) on east elevation; and,

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- (iv) Dovecote: reconstruction of original cupola and mast; removal of brick wall beneath arch on south elevation to reconstruct original doorway (wood frame with wood and forged steel doors); reroofing in the original material (lead-coated copper shingles); and,
 - (v) Cockpit: regrading to recreate original site condition: ground to be sloped away from portico to expose full foundation wall at rear; removal of existing stucco from foundation walls and repointing of all exposed stone masonry; new exit doorway to be installed in window opening on east elevation of foundation wall.
- 12. That the City apply on behalf of St. Paul's Presbyterian Church for the Technical Consulting Service offered by the Ontario Historical Society in co-operation with the Ministry of Citizenship, Culture, and Recreation for the purpose of determining appropriate methods of improving the lighting levels within the church sanctuary.
- 13. That a letter be sent to Premier Mike Harris and The Honourable Al Leach, the Minister of Municipal Affairs and Housing, requesting that the funding commitment to the Lister Block Project, in accordance with the agreement made with the Municipal Non-Profit (Hamilton) Housing Corporation, be reinstated because of the building's architectural and historical value, and the critical importance of its preservation to downtown revitalization.
- 14.
 - (a) That the City of Hamilton continue its efforts to re-use the Lister Block by targeting the private sector to be the developer of the building; and,
 - (b) That the City examine opportunities for revitalization programs for the Lister Block Area (bounded by James Street North, King William Street, John Street North, and Wilson Street) to enhance the commercial and residential development in the Area.
- 15.
 - (a) That in accordance with the Cash-In-Lieu of Parking policy, that Pasquale & Angelina Consiglio be required to pay to the City of Hamilton, the sum of \$39,000. which is 50% of the cost of thirteen (13) parking spaces at a total cost of \$78,000.; and,
 - (b) That a Cash-in-Lieu Agreement be approved subject to the following conditions:
 - (i) Payment duration shall be for ten years, with ten annual instalments including interest; and,

1995 August 29

- (ii) Interest shall be charged on the outstanding balance at the prime rate of the Canadian Imperial Bank of Commerce plus 2% adjusted quarterly in accordance with the policy for charging interest on outstanding accounts; and,
 - (c) That the Law Department be authorized and directed to prepare the Cash-In-Lieu Agreement.
16. (a) That the budget as outlined in Appendix G be approved for a Street festival to be held 1995 September 17; and,
- (b) That the City Treasurer be authorized and directed to forward \$8,350. (\$10,459. - 20% holdback) for the Street Festival to the Barton Street B.I.A. The outstanding balance of \$2109. to be forwarded upon submission of a statement of account.
17. That the City Treasurer be directed to close the following Capital Project account with any excess funding to be transferred to its original source of funding:

Capital Centre Number	Project Description	Authorized Gross Cost	Expended/ Committed To Date	Balance Available	Source of Funding
429202004	North End Anti-Recession Programme	\$ 400,000.	\$ 399,989.85	\$ 10.15	R.P.L. Province of Ontario

18. That \$61,500. be charged against Account Number CF-5000-428603000 Downtown Action Plan - Phase III for the electrical component of the Gore Park Walkway Reconstruction Project.
19. That the By-law to Amend No.93-167 Respecting Building Permit Fees be enacted by City Council.
20. (a) That the Barton General Community Improvement Plan, Revised, attached hereto as Appendix H, be adopted in order to implement the Commercial Loan Program and the Barton Street Redevelopment Program; and,
- (b) That the Revised Community Improvement Plan be submitted to the Ministry of Municipal Affairs and Housing for approval; and,

1995 August 29

- (c) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law.
21. That the Building Commissioner be authorized to issue a demolition permit for 490 Burlington Street East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
22. That the Building Commissioner be authorized to issue a demolition permit for 486 Burlington Street East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
23. That the Building Commissioner be authorized to deny the demolition permit until a building permit has been issued to replace the subject building at 188 Queen Street North.
24. That the Building Commissioner be authorized to deny the demolition permit until a building permit has been issued to replace the subject building at 186 Queen Street North.
25. That the Building Commissioner be authorized to deny the demolition permit until a building permit has been issued to replace the subject building at 60 Cannon Street West.
26. That approval be given to the following Neighbourhood Plan amendments:
- (a) That the approved Gershome Neighbourhood Plan be amended by redesignating the lands shown on Appendix "I" as Block 1 from "Commercial" to "Attached Housing"; and,
 - (b) That the approved Fessenden Neighbourhood Plan be amended by redesignating the lands shown on Appendix "J" as Block 1 from "Attached Housing" to "Open Space" and labelled as a "Public Walkway"; and,
 - (c) That the approved Crerar Neighbourhood Plan be amended by redesignating the lands shown on Appendix "K" as Block 1 from "Single & Double" to "Civic & Institutional"; and,

1995 August 29

- (d) That the approved Butler Neighbourhood Plan be amended by redesignating the lands shown on Appendix "L" as Block 1 from "Commercial" to "Medium Density Apartments"; and,
- (e) That the approved Kentley Neighbourhood Plan be amended by redesignating the lands shown on Appendix "M" as Block 1 from "Open Space" to "Commercial"; and,
- (f) That the approved Chappel East Neighbourhood Plan be amended by redesignating the lands shown on Appendix "N" as Block 1 from "Low Density Apartments" to "Attached Housing"; and,
- (g) That the approved Chappel West Neighbourhood Plan be amended by redesignating the lands shown on Appendix "O" as Block 1 from "Low Density Apartments" to "Attached Housing"; and,
- (h) That the approved Corktown Neighbourhood Plan be amended by redesignating the lands shown on Appendix "P" as Block 1 from "Commercial" to "Utilities" and Block 2 from "Industrial" to "Utilities"; and,
- (i) That the approved Barnstown Neighbourhood Plan be amended by redesignating the lands shown on Appendix "Q" as Block 1 from "Low Density Apartments" to "Attached Housing"; and,
- (j) That the approved Jerome Neighbourhood Plan be amended by redesignating the lands shown on Appendix "R" as Block 1 from "Low Density Apartments" to "Attached Housing" and Block 2 from "Medium Density Apartments" to "Attached Housing"; and,
- (k) That the approved Strathcona Neighbourhood Plan be amended by redesignating the lands shown on Appendix "S" as Block 1 from "Medium Density Apartments" to "Commercial" and Blocks 2 & 3 from "Park & Recreational" to "Single & Double"; and,
- (l) That the approved Gibson Neighbourhood Plan be amended be redesignating the lands shown on Appendix "T" as Block 1 from "Utilities" to "Park & Recreational" and Block 2 from "Park & Recreational" to "Single & Double"; and,
- (m) That the approved Kirkendall South Neighbourhood Plan be amended be redesignating the lands shown on Appendix "U" as Block 1 from "Open Space" to "Park & Recreational"; and,

- (n) That the approved Riverdale East Neighbourhood Plan be amended by redesignating the lands shown on Appendix "V" as Block 1 from "Park & Recreational" to "Open Space"; and,
 - (o) That the approved Riverdale West Neighbourhood Plan be amended by redesignating the lands shown on Appendix "W" as Block 1 from "Park & Recreational" to "Open Space"; and,
 - (p) That the approved Red Hill Neighbourhood Plan be amended by redesignating the lands shown on Appendix "X" as Block 1 from "Park & Recreational" to "Open Space"; and,
 - (q) That the Approved Vincent Neighbourhood Plan be amended by redesignating the lands shown on Appendix "Y" as Blocks 1 & 2 from "Open Space" to "Park & Recreational".
27. (a) That the request of Mr. Anthony DiCenzo, Solicitor for DiCenzo Construction Company, owner, to remove part-lot control be approved to establish maintenance easements for Lots 59, 62, 63, 64, 65, 68, 69, 70 and 71 and to establish private roadway access for Lots 1 to 24 inclusive located in "Sandrina Gardens - Phase 2", as shown on Appendix "Z"; and,
- (b) That the by-law to remove part lot control from Lots 1 to 24 inclusive and Lots 60, 61, 62, 65, 66, 67, 68, 71 and 72, Registered Plan 62M-780, "Sandrina Gardens - Phase 2" plan of subdivision, be enacted by Council; and,
- (c) That following enactment of this by-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law.
28. That the appropriate staff (e.g. Law and Planning Departments) be authorized to attend the Ontario Municipal Board hearings regarding appeals to the following Committee of Adjustment decisions:
- (i) to deny applications A-95-119 and A-95-122 and to grant application A-95-123, respecting variances from the "Monster Homes" By-laws, for properties located at 139 Whitney Avenue, 73 Holmes Avenue and 114 Winston Avenue, respectively; and,

1995 August 29

- (ii) to deny applications A-95-133 and A-95-145, respecting properties located at 461 Concession Street and 41 Fonthill Road, respectively.

29. That leave be granted to introduce the following Bills:

- (a) C-46 A By-law to Amend Zoning By-law No. 6593 as Amended by Zoning By-law No. 92-003 and to Repeal Zoning By-law No. 93-233 Respecting Land Located at Municipal No. 1341 Upper James Street.
- (b) C-47 A By-law to Designate Land Located at Municipal Nos. 207, 211, 213 and 215 Ferguson Avenue South as Property of Historic and Architectural Value and Interest.
- (c) C-48 A By-law to Amend Zoning By-law No. 6593 respecting Lands Located in the Area North of Eastgate Court and West of Centennial Parkway North.
- (d) C-49 A By-law to Amend Zoning By-law No. 6593 Respecting Land Located at Municipal No. 150 Catharine Street North.
- (e) C-50 A By-law to Adopt The Crown Point East/McAnulty Community Improvement Plan.
- (f) C-51 A By-law to Amend By-law No. 93-167 Respecting Building Permit Fees.
- (g) C-52 A By-law to Remove Land within the "Sandrina Gardens - Phase 2" Subdivision, Plan 62M-780 from Part Lot Control.

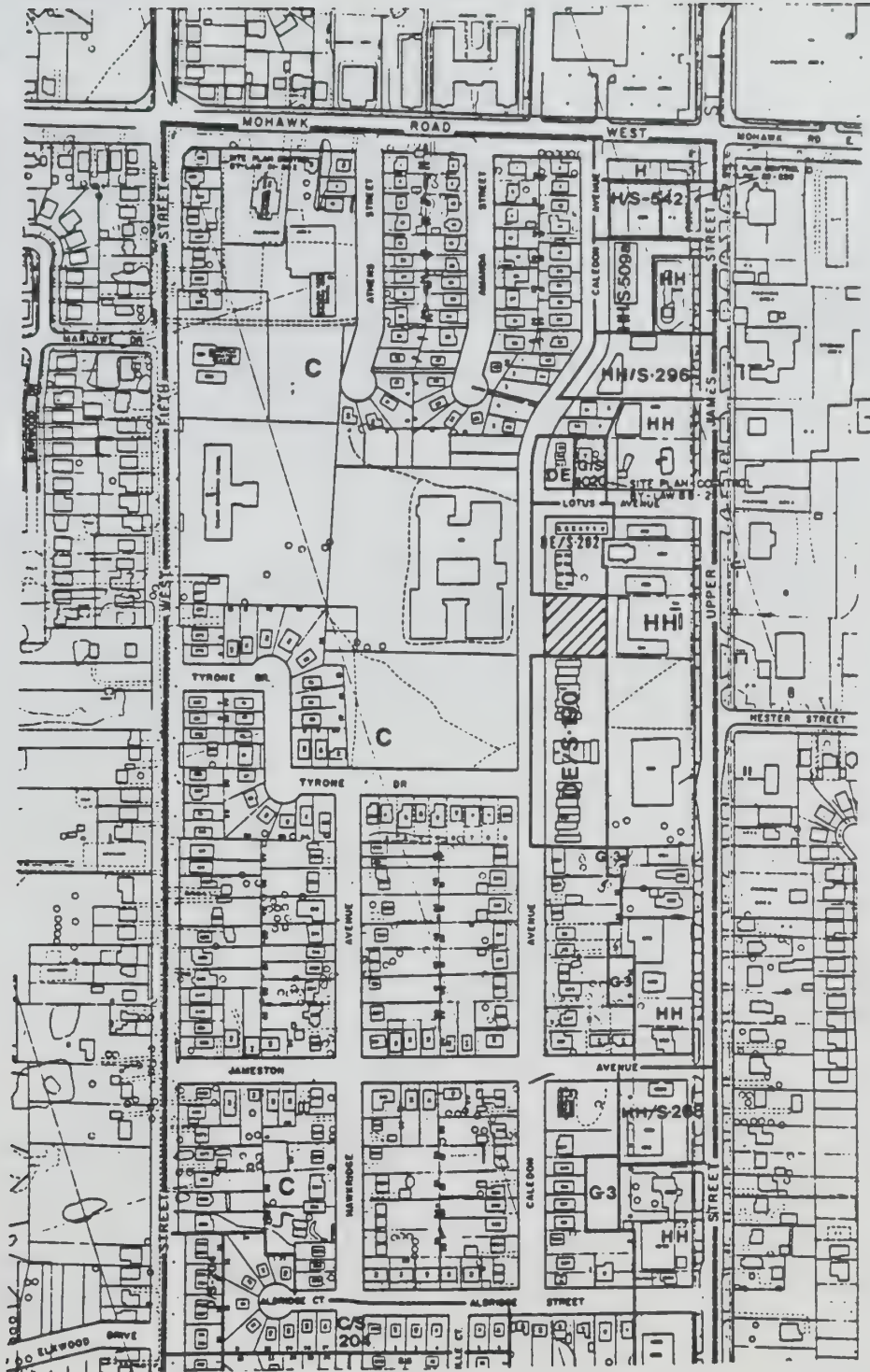
Respectfully submitted,

**ALDERMAN D. DRURY, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE**

**Stella Glover
Secretary
1995 August 23**

1995 August 29

Appendix "A" as referred
to in Section 3 of the
SEVENTEENTH Report of the
Planning and Development
Committee for 1995



Legend



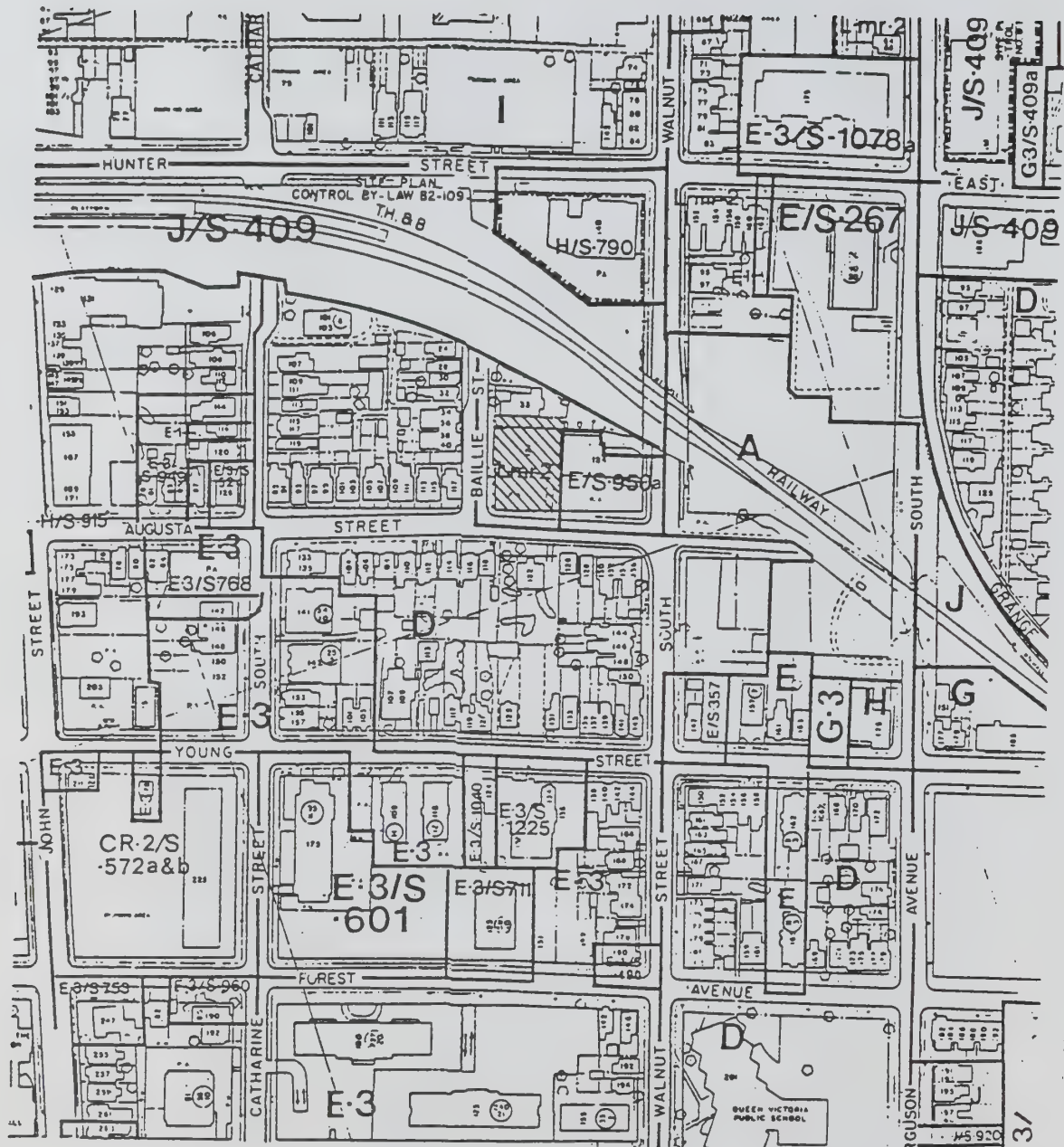
Site of the Application

C-13


ZAC-95-17

1995 August 29

Appendix "B" as referred
to in Section 4 of the
SEVENTEENTH Report of the
Planning and Development
Committee for 1995



Legend

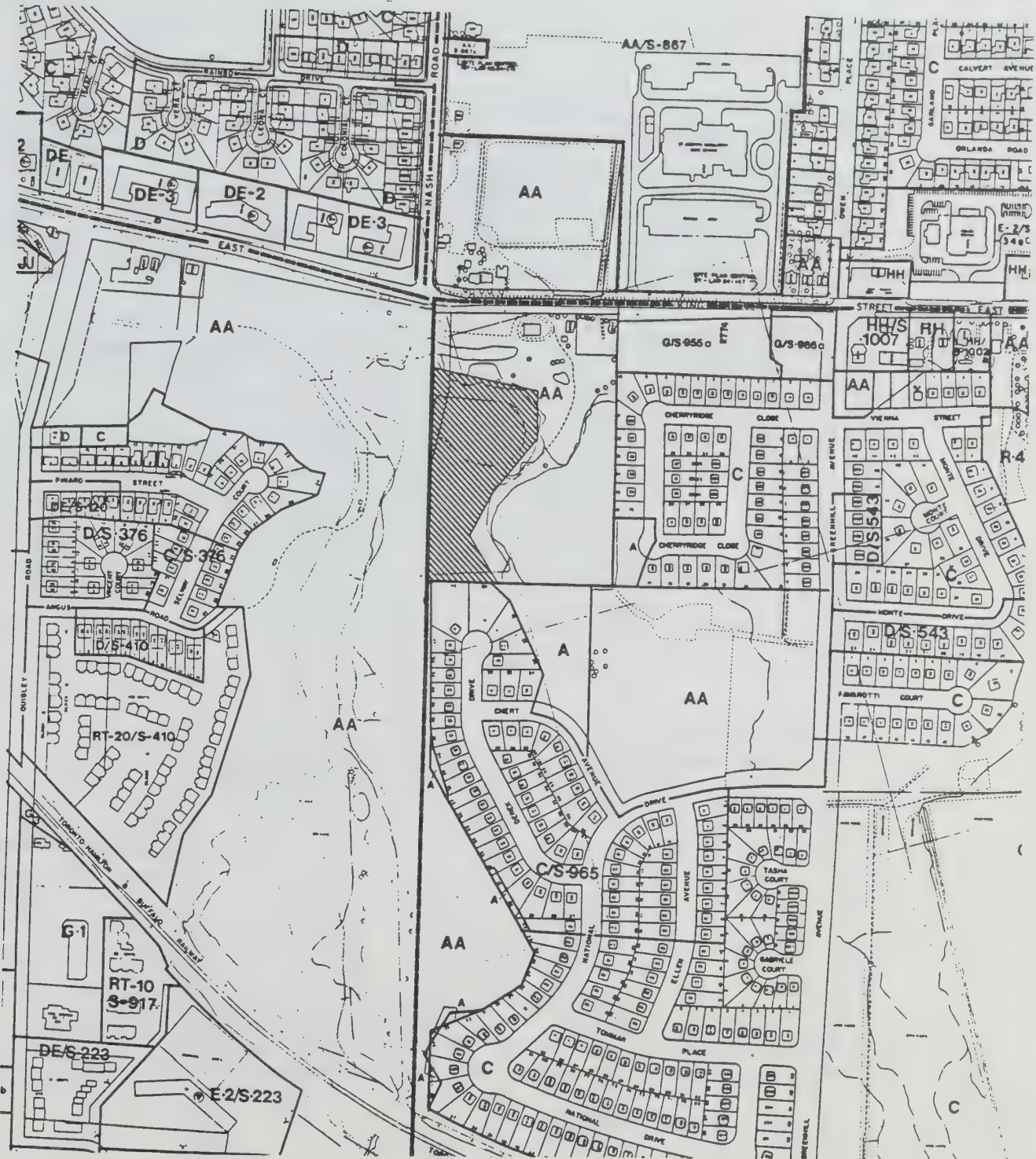


Site of the Application

ZAC-95-20

1995 August 29

Appendix "C" as referred
to in Section 5 of the
SEVENTEENTH Report of the
Planning and Development
Committee for 1995



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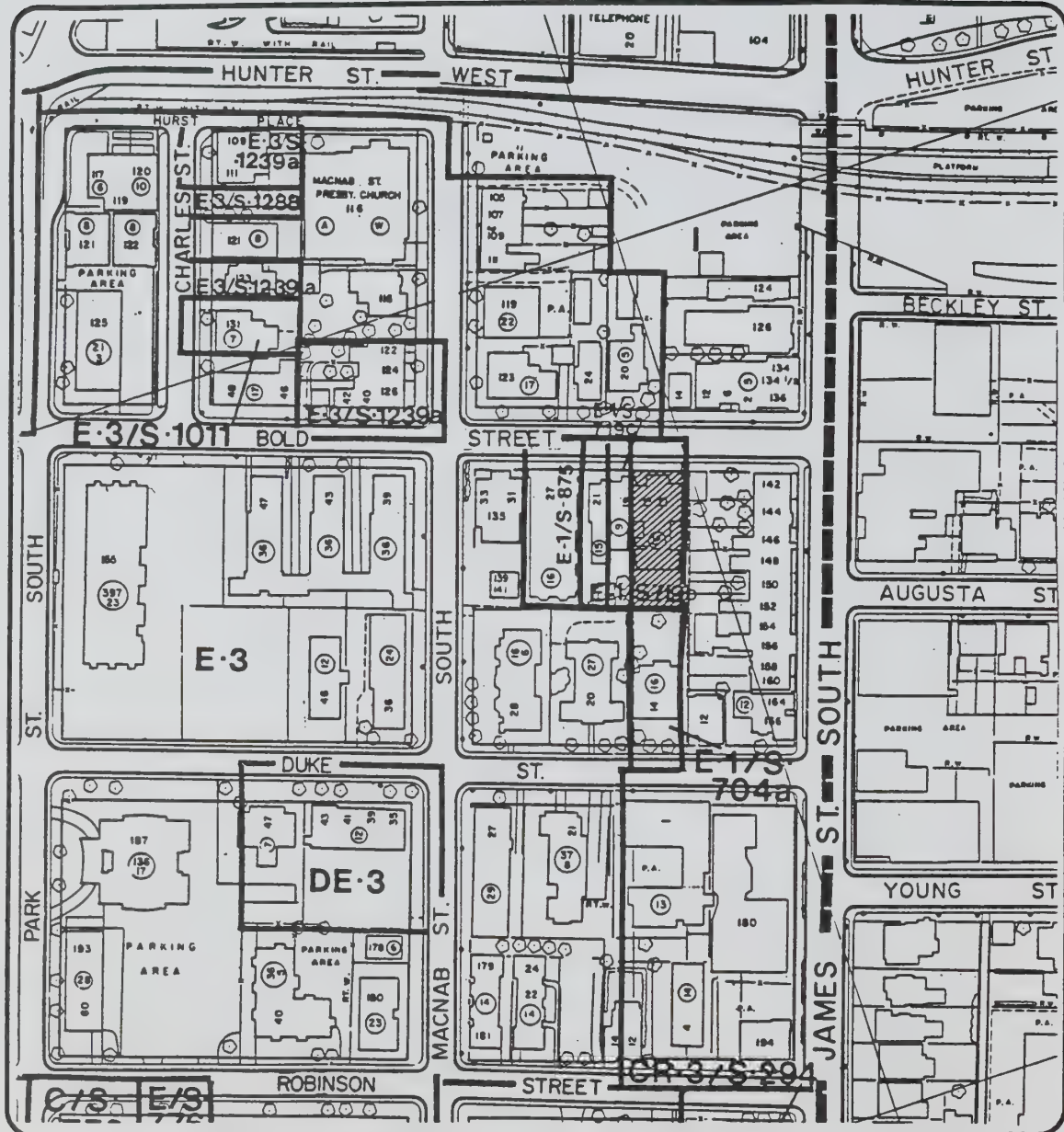


Site of the Application

SAC-91-01

1995 August 29

Appendix "D" as referred
to in Section 6 of the
SEVENTEENTH Report of the
Planning and Development
Committee for 1995



City of Hamilton

Key Map

13-15 BOLD STREET

Planning and Development Department

Legend



Location of Subject Lands

North



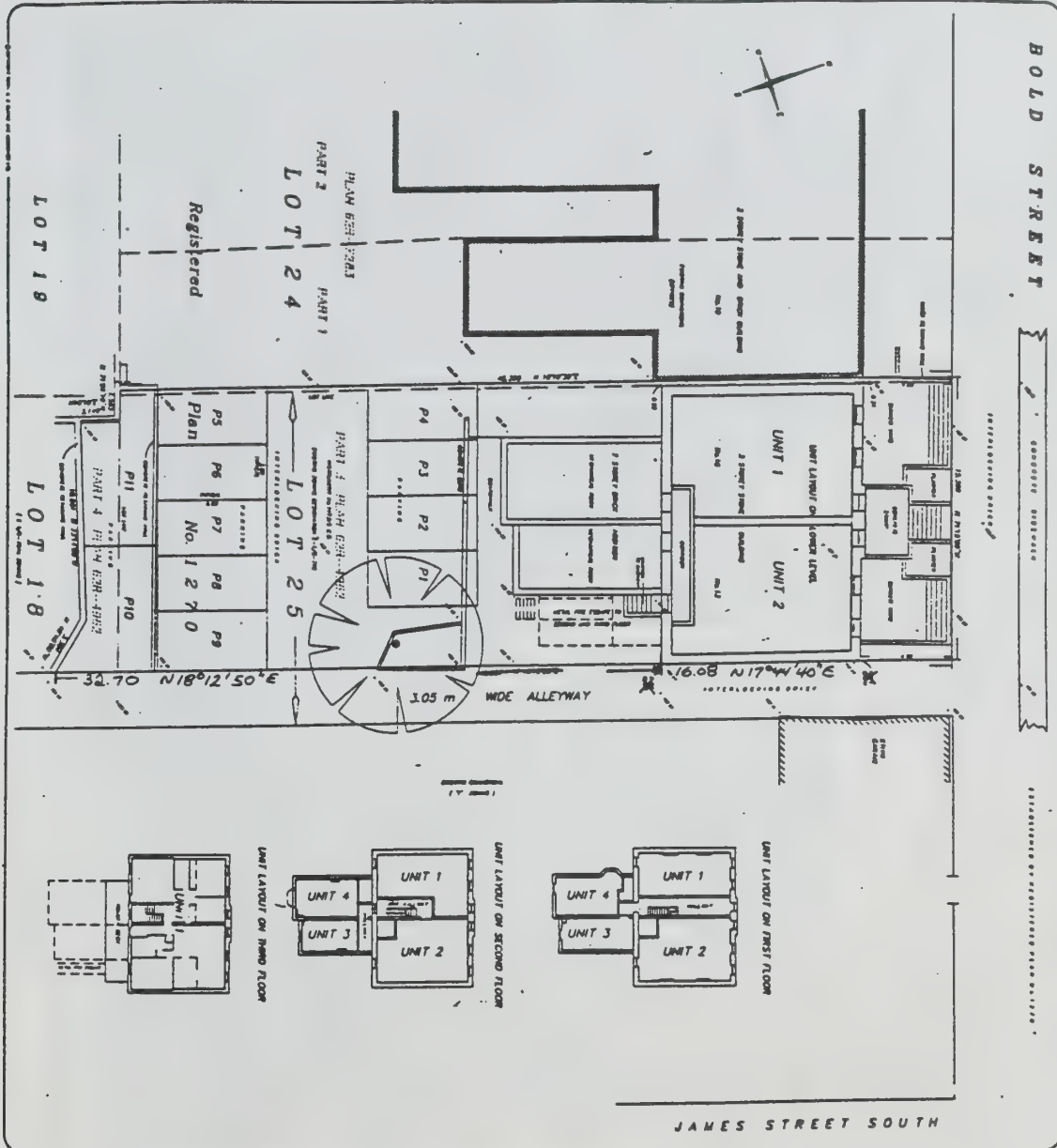
Scale
Not to Scale

Date
AUGUST 1995

Reference File No.
CDM - 94 - 01

Drawn By
Z.K.

1995 August 29



KEY PLAN

HEREFORD HOUSE

BLVD PLAN OF

PART OF LOTS 18, 24 AND 25 - PHILLIP TOWN SURVEY

REGISTERED PLAN No. 1270

CITY OF HAMILTON

PREPARED BY: J. A. G. GIBSON

DATE: 1994

LEGEND

UNIT LAYOUT ON FIRST FLOOR

UNIT LAYOUT ON SECOND FLOOR

UNIT LAYOUT ON THIRD FLOOR

UNIT LAYOUT ON FOURTH FLOOR

UNIT LAYOUT ON FIFTH FLOOR

UNIT LAYOUT ON SIXTH FLOOR

UNIT LAYOUT ON SEVENTH FLOOR

UNIT LAYOUT ON EIGHTH FLOOR

UNIT LAYOUT ON NINTH FLOOR

UNIT LAYOUT ON TENTH FLOOR

UNIT LAYOUT ON ELEVENTH FLOOR

UNIT LAYOUT ON TWELFTH FLOOR

UNIT LAYOUT ON THIRTEENTH FLOOR

UNIT LAYOUT ON FOURTEENTH FLOOR

UNIT LAYOUT ON FIFTEENTH FLOOR

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UNIT LAYOUT ON SEVENTEENTH FLOOR

UNIT LAYOUT ON EIGHTEENTH FLOOR

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UNIT LAYOUT ON NINETY-EIGHTH FLOOR

UNIT LAYOUT ON NINETY-NINTH FLOOR

UNIT LAYOUT ON HUNDRETH FLOOR

CONDOMINIUM REGISTRATION ACT

SECTION 18

HEREFORD HOUSE

BLVD PLAN OF

PART OF LOTS 18, 24 AND 25 - PHILLIP TOWN SURVEY

REGISTERED PLAN No. 1270

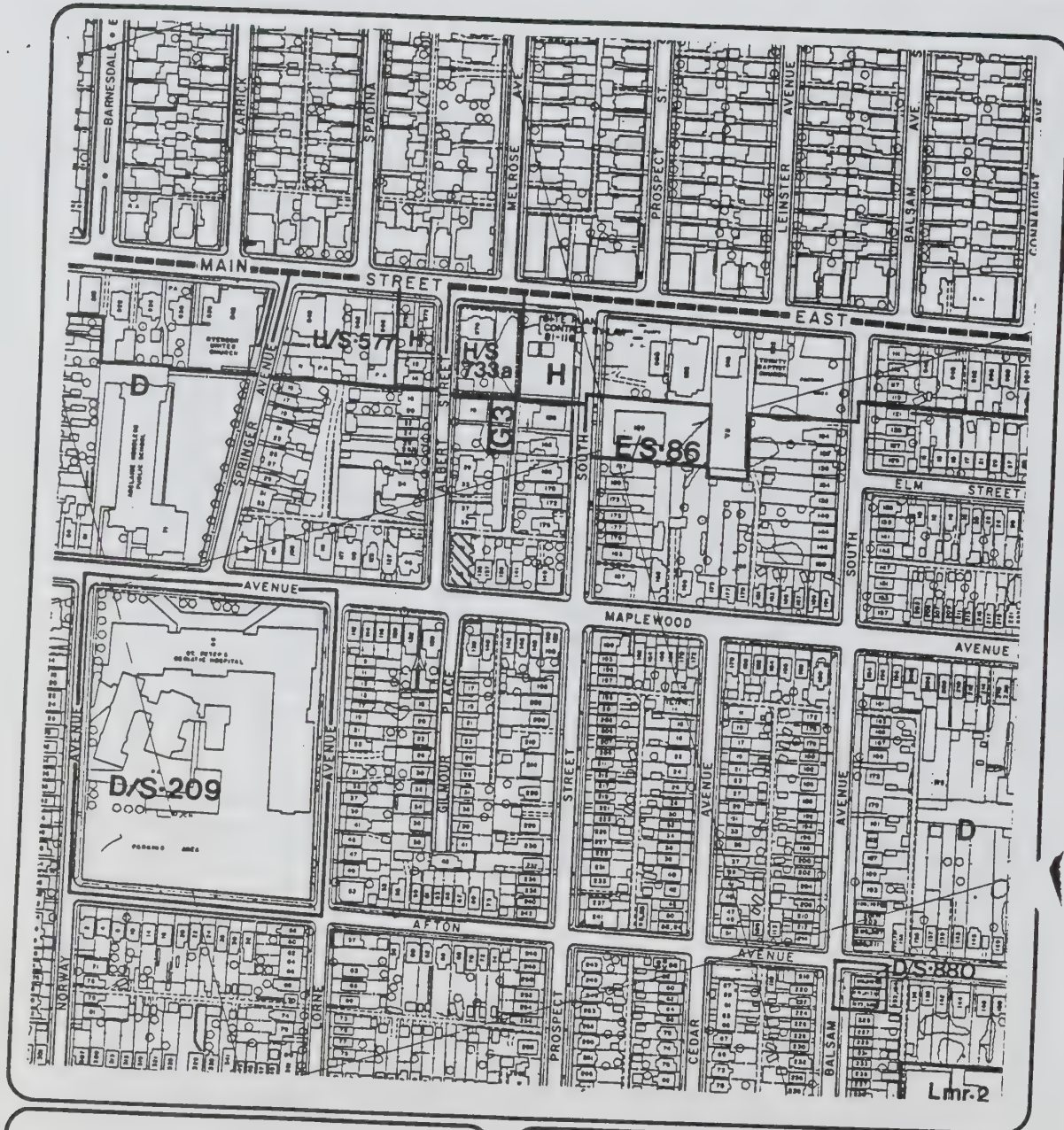
CITY OF HAMILTON

PREPARED BY: J. A. G. GIBSON

DATE: 1994

1995 August 29

Appendix "F" as referred
to in Section 7 of the
SEVENTEENTH Report of the
Planning and Development
Committee for 1995



City of Hamilton

Key Map

41 - 43 Albert Street

Planning and Development Department

Legend



Location of Subject Lands

North



Scale
Not to Scale

Date
APRIL 1995

Reference File No.
CDM- CONV-95-004

Drawn By
W. B.

1995 August 29

Appendix "G" as referred
to in Section 16 of the
SEVENTEENTH Report of the
Planning and Development
Committee for 1995

The Barton Street Festival (Preliminary Budget - Forecast)

September 17, 1995

INCOME	
Table Revenue	\$2,000.00
Games Revenue	\$1,500.00
Snack Booth	\$750.00
Total Income	\$4,250.00
EXPENSES	
Food & Beverages	\$500.00
Table Rental	\$262.50
Chairs	\$240.00
Stage	\$200.00
Sound	\$400.00
Poster Printing & Design	\$1,500.00
Advertising	\$1,746.40
Acts	\$2,500.00
Portable Toilets	\$500.00
Prizes	\$750.00
Games Rental	\$120.00
Tent	\$400.00
Police Officer @ \$36/hour X 5hrs	\$180.00
Street Decoration	\$750.00
Miscellaneous	\$500.00
Total Expenses	\$10,548.90
EVENT REVENUE (LOSS)	(\$6,098.90)

BARTON GENERAL COMMUNITY IMPROVEMENT PLAN, REVISED

Purpose:

To revise the existing Community Improvement Plan for the Barton General Community Improvement Project Area so as to additionally implement the Barton Street Redevelopment Programme.

Preface:

This document constitutes a revision of the Community Improvement Plan for the Barton General Community Improvement Project Area, which was originally designated by By-law 88-12.

Introduction:

On June 23, 1987, By-law 87-178 was passed designating Barton Street from near Wellington Street to Wentworth Street as a Business Improvement Area. Subsequent to this, on November 24, 1987, Council approved the Barton General Community Improvement Project Area and accompanying Community Improvement Plan and it was adopted as By-law 88-12. Subsequently, the Province (Ministry of Municipal Affairs) approved By-law 88-12 for implementation under Section 28 of the Planning Act.

By-law 88-12, as approved by Council, established the Commercial Facade Loan Programme (itself approved by Council June 24, 1986) as the means of making funds available for the improvement of private property in the Community Improvement Project Area.

The present Community Improvement Plan for the Barton General Community Improvement Area does not include the making of grants by the City to owners despite the provisions of Section 28 of the Planning Act, Sub-section 7 which states that "for the purpose of carrying out the community improvement plan, the municipality may make grants or loans to the registered owners or assessed owners of lands and buildings within the community improvement project area to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the community improvement plan". Also, the Commercial Facade Loan Programme has been replaced as a program for City lending in Business Improvement Areas by the Commercial Loan Programme (approved by Council January 12, 1993).

The Barton Street Redevelopment Programme, the final version of which Council adopted on March 28, 1995, is designed in part to be implemented in concert with the Commercial Loan Programme. Furthermore, the Barton Street Redevelopment Programme funded as it is with provincial grants, provides that the City in turn use those grants to: pay down portions of loans made to Barton Street businesses, fund murals and signs on private buildings, fund street festivals, and to fund street improvements.

Commercial Loan Programme

The attached Appendix A constitutes the Commercial Loan Programme as it is implemented.

Barton Street Redevelopment Programme

The attached Appendix B constitutes the Barton Street Redevelopment Programme. The mural project, (Schedule 3 of Appendix B) will entail murals and signs being located on private property within the program area.

Provincial Funding Commitment

Appendix C, Councils' acceptance on March 14, 1995 of the one million dollar (\$1,000,000) provincial commitment, bears on the funding and duration of the Barton Street Redevelopment Programme.

Waiving of Fees

Council, on May 30, 1995, waived fees for Committee of Adjustment applications and Property Reports for the anticipated duration of the Barton Street Redevelopment Programme; this is attached as Appendix D.

Summary

Therefore the City of Hamilton is proposing to amend the Barton Community Improvement Plan, by the addition of the following programs:

- (1) Grants to business land owners who have Commercial Loans from the City for a sum of up to 1/2 of the outstanding loan principal of a loan made for the purpose of paying for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the Community Improvement Plan; and,
- (2) Grants to business land owners who intend to rehabilitate their lands and buildings to conformity with the Community Improvement Plan to cover the cost of building permit fees, Committee of Adjustment applications, Property compliance Reports due the City; and,
- (3) Grants to business land owners to cover all or a portion of the cost of decorative murals to be erected on their lands to rehabilitate these lands and buildings in conformity with the Community Improvement Plan.

These programs would be subject to the conditions enacted by City Council in the attachments.

Conclusion

The revised Community Improvement Plan augments the long term lending commitment of the City with a three year program funded by the Province that will, in combination, permanently re-create a viable shopping/artisans area where there are now mainly closed shops.

Planning and Development Committee
1st Report - January 12, 1993

10. (a) That \$500,000. from the Commercial Improvement Programme be used to Implement a new commercial loan programme for the upgrading of the interior of commercial buildings located in Business Improvement Areas, (B.I.A.'s);
- (b) That the funds be incorporated into the existing Commercial Facade Programme which was previously limited to the exterior of the buildings located in B.I.A.'s;
- (c) That the Building Department be responsible for the Implementation of the Programme as per Appendix "E"; and,
- (d) That the City's Law Department be directed to prepare the necessary Implementation By-law for a Commercial Loan Programme under Section 28 or Section 22 of the Planning Act.

1993 January 12

Appendix "E" referred to
in Section 10(c) of the FIRST
Report of the Planning and
Development Committee for 1993

COMMERCIAL LOAN PROGRAMME

- Both owners and tenants eligible.
- Maximum loan for interior work \$10,000. per municipal address.
- If owner/occupant maximum loan \$45,000. facade and \$30,000. interior for \$75,000. on three businesses.
- Loan rate one half City's prime amortized over maximum 10 years.
- Loan secured by Promissory Note and Lien registered on Commercial property or if renting a Lien would be placed on any real property. The owner must have at least 20% equity in real property before loan will be approved.
- B.I.A. levy and business taxes must be current and if owner occupied the property taxes must be current.
- B.I.A. must be in existence for at least one year and levy must average \$100. per business.
- B.I.A. will prepare a recommendation on loan which will be sent to the Planning and Development Committee along with Department's recommendation.
- All money collected on repayment will be placed in recyclable account in order to continue the Programme.
- If business owner has no real property a maximum loan of \$2,000. will be provided as it will only be secured by Promissory Note. Amortization period will be maximum of 3 years. (At 3 years at 3% monthly payment, \$58.16)
- Department charge 1 1/2 % or \$200. whichever is more as an administration fee. This will become an eligible expense on the application.
- The funds will be made available based on the number of businesses located in a B.I.A.

ELIGIBLE ITEMS

- Interior fixtures including partitions.
- Interior decorating including lighting, painting, wallpaper, etc.
- "Built in" showcases, freezers, special plumbing, etc.
- Interior signage.
- Each application will be based on own merits but those items deemed chattels will not be eligible, (tables, desks, chairs, cash registers, etc.).

Planning and Development Committee
10th Report - June 28, 1994

11. That in situations where the owner of a property also operates a business from the same address that the maximum commercial loan of \$25,000. be permitted regardless of the breakdown between exterior and interior work.
12. That in the event the owner of a business within a B.I.A. does not own the building, a loan of less than \$5,000. will be secured by a Promissory Note, and for loans greater than \$5,000., a collateral mortgage will be obtained on other real property owned by the tenant.

Planning and Development Committee
15th Report - June 27, 1995

8. (g) That the grants to business land owners referred to above be subject to the following conditions being fulfilled:
- (i) Preparation and enactment of a By-law in a form satisfactory to the City Solicitor to amend By-law No. 88-12, being the By-law to adopt "The Barton General Community Improvement Plan" in order that the Plan may include the revised Barton Street Revitalization Program adopted by Council on 1995 March 28 (Section 2, 10th Report, Planning & Development Committee), including the following points:
 - (1) Grants to business land owners who have Commercial Loans from the City for a sum of up to 1/2 of the outstanding loan principal of a loan made for the purpose of paying for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the Community Improvement Plan; and,
 - (2) Grants to business land owners who intend to rehabilitate their lands and buildings in conformity with the Community Improvement Plan to cover the cost of building permit fees, Committee of Adjustment applications, Property compliance Reports due the City; and,
 - (3) Grants to business land owners to cover all or a portion of the cost of decorative murals to be erected on their lands to re-habilitate these lands and buildings in conformity with the Community Improvement Plan.
 - (ii) That the Building Department be authorized to hold the public meeting and take the other steps required by the Planning Act prior to the enactment of the said amending by-law to amend the Barton General Community Improvement Plan; and,
 - (iii) That the by-law shall be submitted to Council for enactment and the City Solicitor be authorized to submit the amending by-law for the approval of the Minister of Municipal Affairs; and,
 - (iv) That following Ministerial approval to the amending by-law, the City Solicitor also be authorized to apply to the Minister of Municipal Affairs pursuant to sec. 28(8) of the Community Improvement provisions of the Planning Act for approval to be granted to the City by the Minister to permit the City to make the grants (and offer the other assistance to the business land owners) provided for in the Barton General Community Improvement Plan, as amended, that would otherwise be bonuses prohibited by section 111(1) of the Municipal Act; and,
 - (h) That the Building Commissioner and the City Solicitor be authorized to prepare a report to the Planning and Development Committee on the private legislation that would be required from the Province to enable the City to implement those provisions of the Barton Street Revitalization Programme which would provide grants and other financial benefits to business tenants in the Barton Street Community Improvement area.

2. That the Building Department be directed to implement the revised Barton Street Redevelopment Program as outlined on Appendices "B", "C", and "D" attached.

1995 March 28

Appendix "B" as referred to in
Section 2 of the TENTH Report
of the Planning and Development
Committee for 1995

BARTON STREET REVITALIZATION GRANTS

- Grants will be made available to all those who borrow from the Commercial Loan Programme to fund rehabilitation of a building within the Barton Street B.I.A.
- Both secured and unsecured loans may be held concurrently.
- Grant instalments will be advanced by the direct paying down of principal in a Commercial Loan Program borrowers' loan account by the Treasurer.
- All three year grant instalments will be segregated into a separate treasury account at the time of grant approval for eventual pay out.
- All grants and unsecured loans will be funded only from available provincial funds.
- Loans will be for a ten (10) year term at an interest rate of one half of prime at the time of loan finalization.

Secured Borrowers

- The grants will be made available to secured borrowers in three (3) instalments at the rate of:
 - 15% of the loan amount at the time of construction completion as approved by a Building Inspector authorized by the City, and;
 - 15% of the original loan amount on the anniversary date of the first advance, and;
 - 20% on the anniversary date of the second advance.
- The maximum grant on a loan for a single business address is not to exceed \$20,000. and all instalments are to reflect the 15:15:20 ratio.
- The maximum grant for a multiple business address or to a single owner of more than one building within the B.I.A. (with more than one resultant business address) is not to exceed \$30,000. and the instalments are to reflect the 15:15:20 ratio.

Unsecured Borrowers

- Grants to unsecured borrowers are not to exceed \$2,500. and will be in addition to the available \$2,000. Commercial Programme Loan, (now to be increased to \$2,500.) for a total unsecured grant/loan of \$5,000.
- Grant instalments will be paid at the rate of:
 - \$1,500. at the time of construction completion as approved by a Building Inspector authorized by the City of Hamilton, and;
 - \$1,000. or the balance of the grant on the anniversary of the first advance.

Exterior Storefront Improvement

- The increase of the presently available unsecured loan from \$2,000. to \$2,500. in conjunction with the new \$2,500. grant makes storefront improvement much more likely.
- Unsecured grants/loans may be required, like all commercial loans, to be used to repair aspects of a building that are in violation of Health and Safety or Property Standards, but it is envisaged that the unsecured loans be used in the main for exterior cosmetic purposes so as to enhance both the individual business and the overall streetscape.

1995 March 28

Appendix "C" as referred to in
Section 2 of the TENTH Report
of the Planning and Development
Committee for 1995

MURAL PROJECT

- The City will provide up to \$20,000. yearly from available provincial funds to the Barton Street B.I.A. for mural projects within the B.I.A. Guidelines for the murals will be established by the City's Art Co-ordinator and final approval will rest with the B.I.A., the Arts Advisory Sub-Committee and the Task Force of the Barton Street Revitalization/Cultural Industry Strategy.
- Co-ordination will be the responsibility of the B.I.A.
- Costs for co-ordination, wages and materials are to be submitted for approval along with the art itself, and will be advanced monthly on a per cent of completion basis.

STREET FESTIVAL

- The City will provide up to \$40,000. yearly from available provincial funds to the Barton Street B.I.A. if it should decide to hold a street festival.
- Co-ordination of the festival will be solely the responsibility of the B.I.A. An appropriate portion of the funds will be made available in advance, final reimbursement of the B.I.A. will be made once a statement of account for the festival is presented.

1995 March 28

Appendix "D" as referred to in
Section 2 of the TENTH Report
of the Planning and Development
Committee for 1995

STREET ENHANCEMENT

- Up to one third or \$330,000. of the available Provincial funding of \$1-million will be utilized for street enhancement projects.
- Street light fixtures, alley lighting, banners, and island plantings are expected to be installed.
- As has been the case in other B.I.A.'s, the Public Works Department will both co-ordinate and implement many of the individual work projects.
- Funds will be advanced to Public Works or the B.I.A. as is appropriate.
- Public Works is doing a separate design study of the Barton B.I.A. streetscape in the Summer of 1995, which will be used to integrate these projects with any done in the future.

3. (a) That City Council accept the offer from the Province to provide a \$1-million funding for Barton Street Initiatives; and,
- (b) That the City Treasurer return to the Province the OHRP funds of approximately \$4.5 million on or about 1995 March 31 as requested by the Ontario Ministry of Housing under amended Regulation 641 of the Housing Development Act; and,

AMENDED.

- (c) That the Building Department be directed to implement a revised Barton Street Redevelopment Program as outlined on Appendix "B" hereto.

1995 March 14

Appendix "B" as referred to in
Section 3(c) of the EIGHTH Report
of the Planning and Development
Committee for 1995

Commercial Program

The Building Department in conjunction with the Barton Street Business Improvement Area (BIA) will provide money to building owners and tenants for rehabilitation and improvements to commercial properties located in the Barton Street BIA.

A low interest loan covering 100% of the eligible interior and exterior improvement costs to a maximum of \$20,000. per address will be available. Of this amount, 50% will be available as a grant when all work is completed and will be granted back at 30% upon construction completion, 30% after one year, and the remaining 40% after two years.

Where an owner owns more than one building within the Barton Street BIA, the total maximum an owner can obtain is \$30,000. Owners of businesses who do not own any real property may borrow a maximum of \$5,000. for interior and exterior work.

The interest rate on the loan will be one half of prime on the date the loan agreement is signed. The loan will be amortized over ten years and will be secured by a lien.

This will be reviewed after three years to explore the possibility of extending the program further along Barton Street.

Exterior Facade Improvement

A loan up to \$5,000. per address will be provided for building owners and lessees for painting, exterior cleaning, caulking, etc. to improve the exterior appearance of properties on Barton Street. Applicants will be eligible for a 50% grant of the loan amount upon completion of the work.

Mural Project

The City of Hamilton will provide \$20,000. to the Barton Street BIA on a yearly basis for mural projects on Barton Street. Guidelines will be established by the City's Arts Co-ordinator and final approval will rest with the BIA, the Arts Advisory Sub-Committee and the Task Force of the Barton Street Revitalization/Cultural Industry Strategy.

It is anticipated that the mural projects will utilize local artists mentoring students.

Street Enhancement

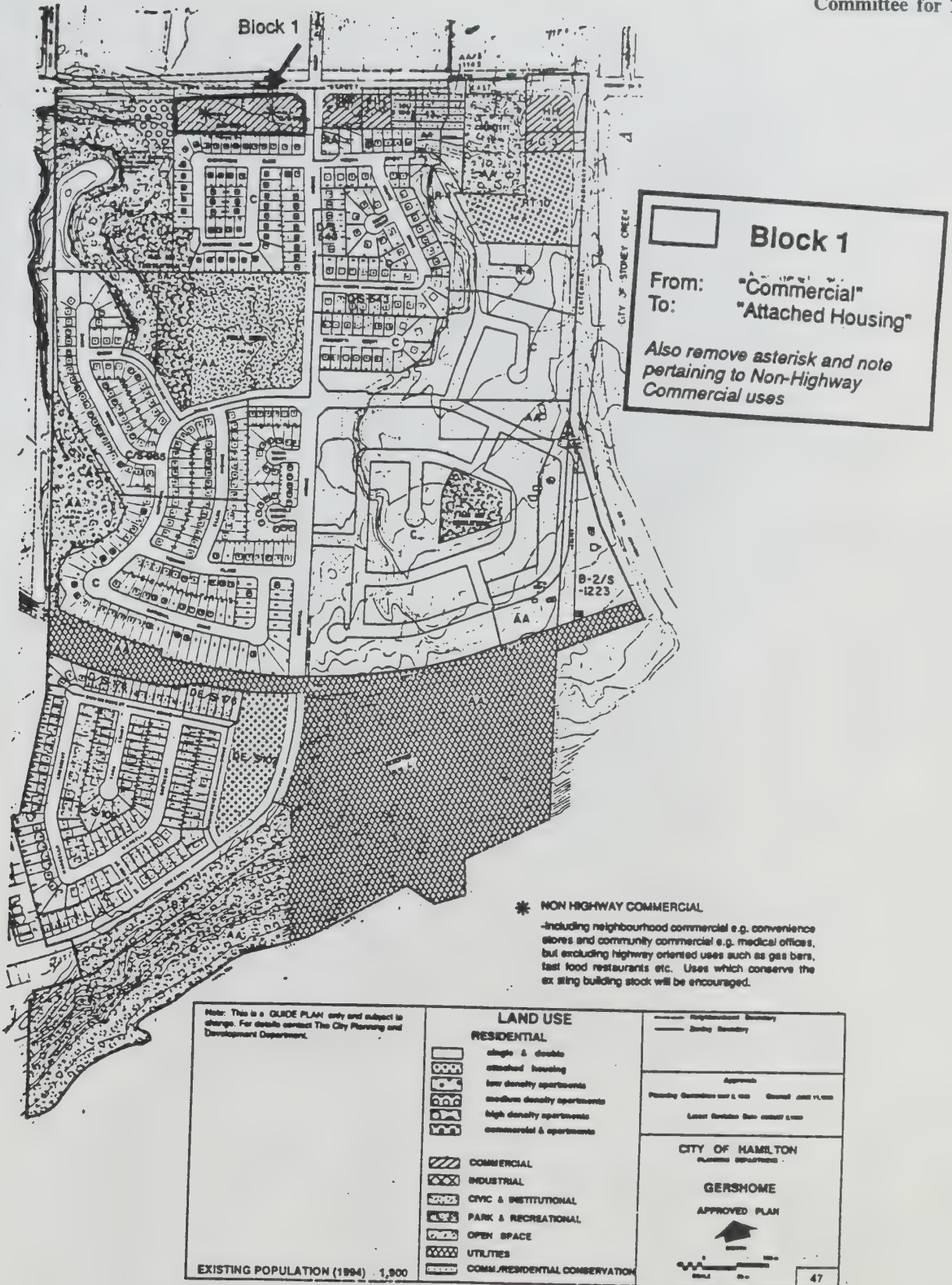
Funds will be utilized for minor street improvements. In conjunction with the BIA and the various Arts groups, funding will be available for banners, benches, flower beds, and other improvements. It will also be used for assisting the Barton Street BIA in organizing, promoting, and implementing street festivals. Determination of funding disposition will be by the BIA, community partners, and various art groups to provide a cultural diversity.

Planning and Development Committee
14th Report - May 30, 1995

10. That the Building Commissioner be directed to waive the requirement of charging administration fees for Committee of Adjustment applications and Property Reports in relation to the implementation of the Barton Street Redevelopment Program for the area described under By-law No. 87-178, Barton East #1 BIA. This directive shall expire 1997 December 31.

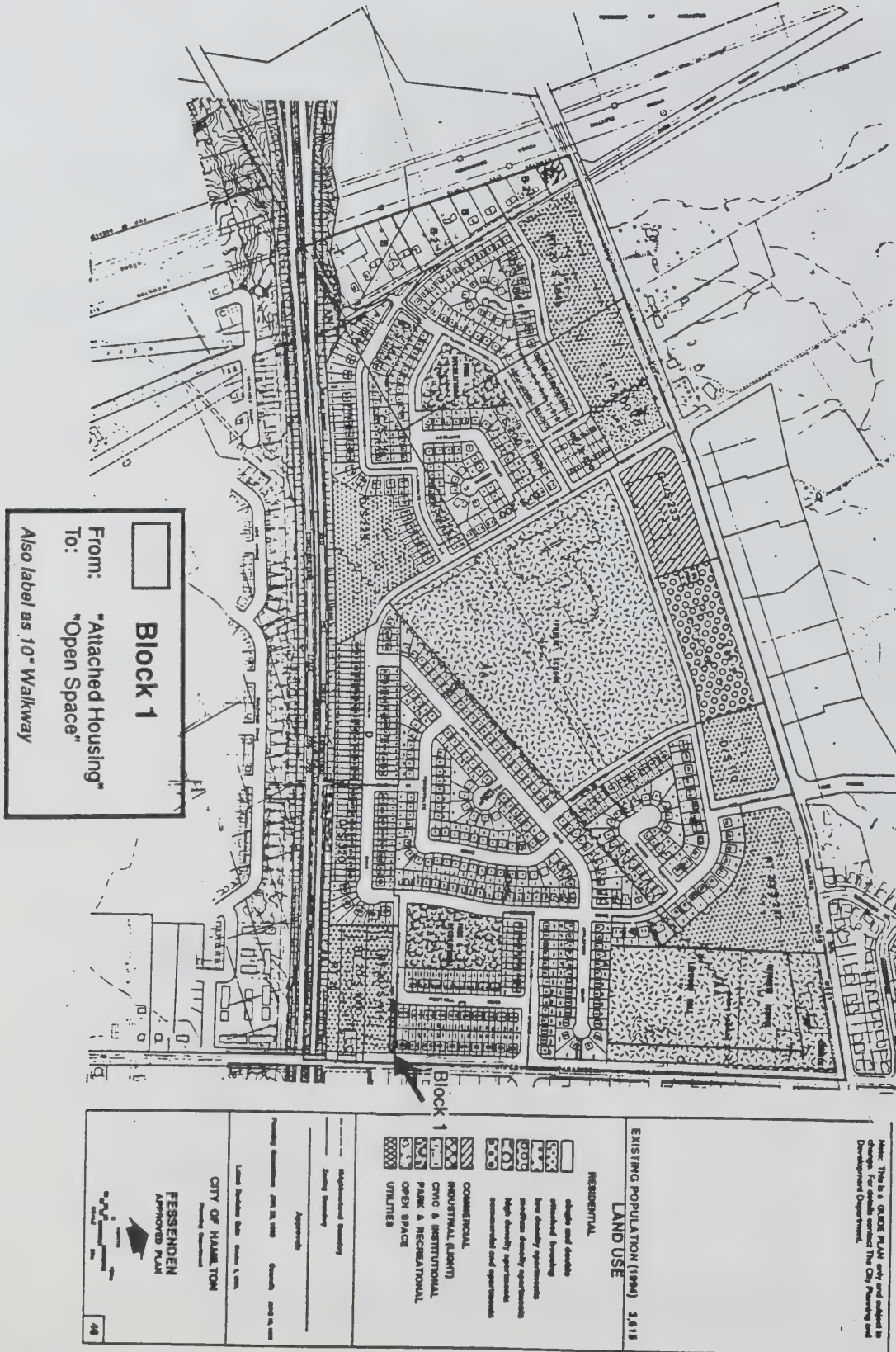
1995 August 29

Appendix "I" as referred
to in Section 26(a) of the
SEVENTEENTH Report of the
Planning and Development
Committee for 1995



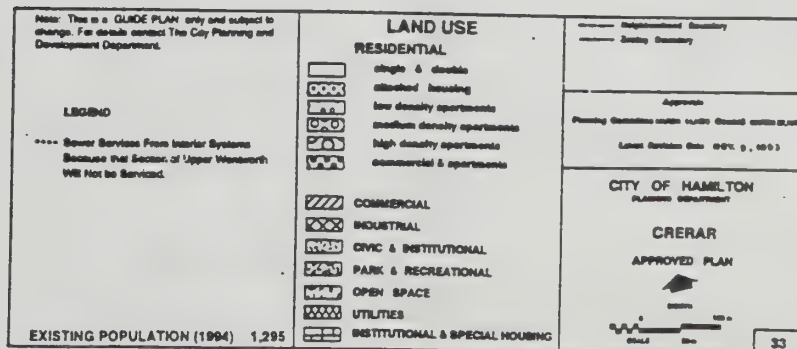
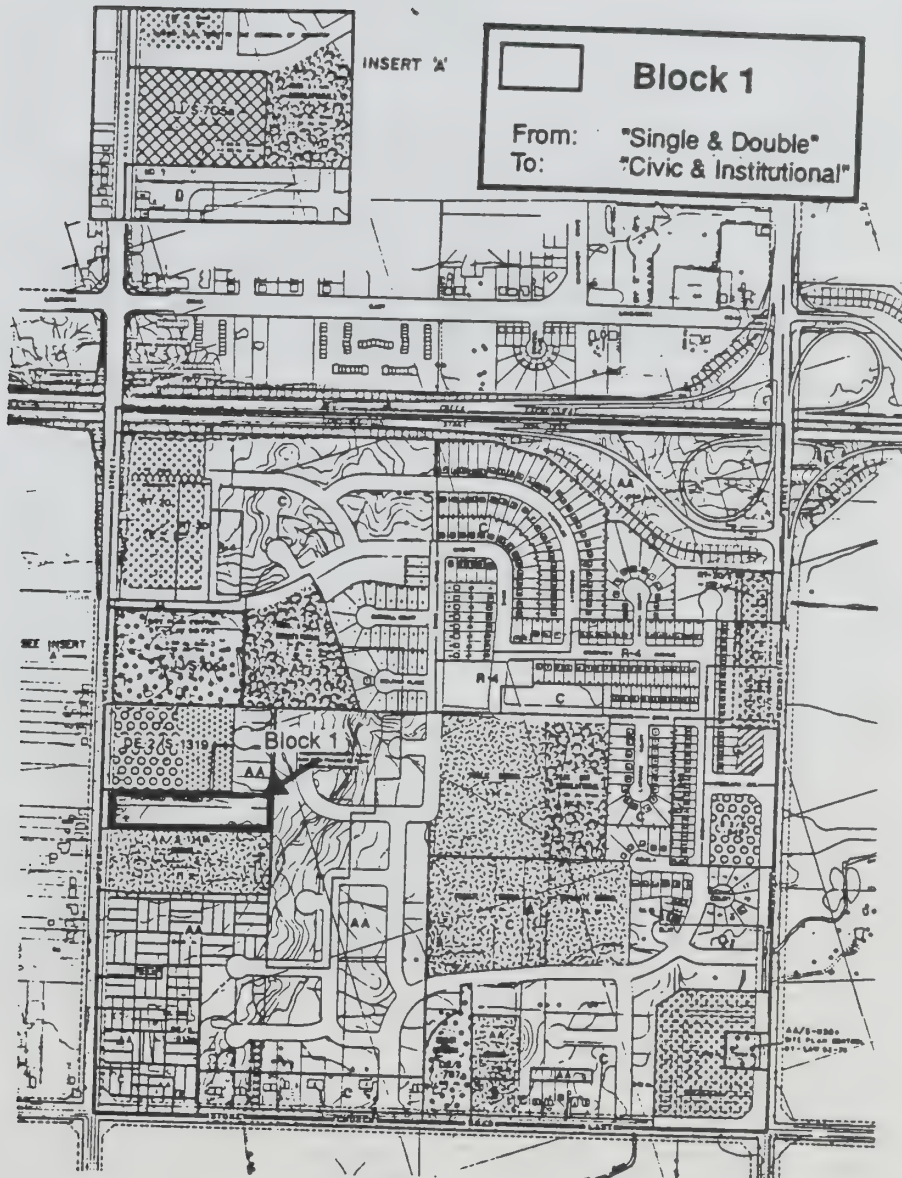
1995 August 29

Appendix "J" as referred
to in Section 26(b) of the
SEVENTEENTH Report of the
Planning and Development
Committee for 1995



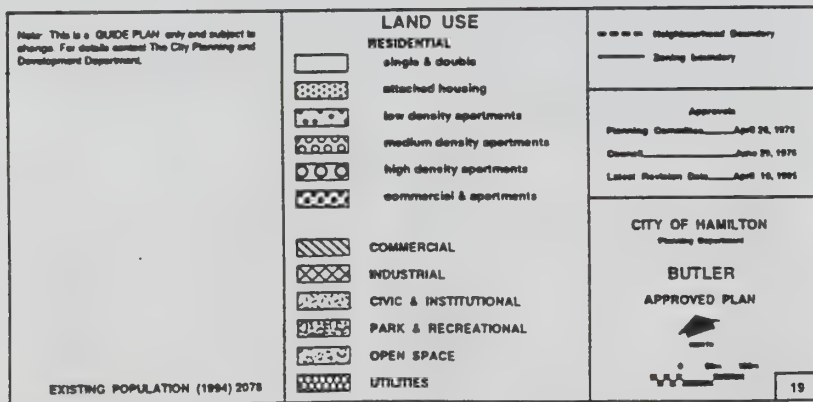
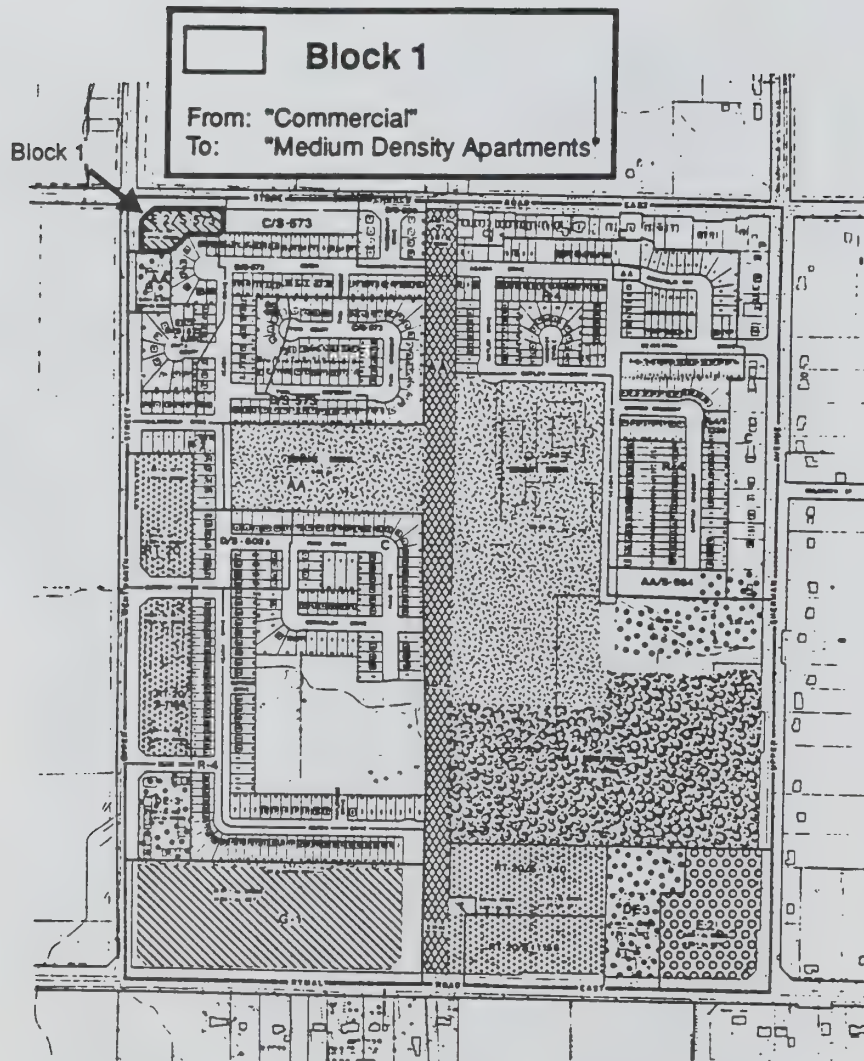
1995 August 29

Appendix "K" as referred
to in Section 26(c) of the
SEVENTEENTH Report of the
Planning and Development
Committee for 1995



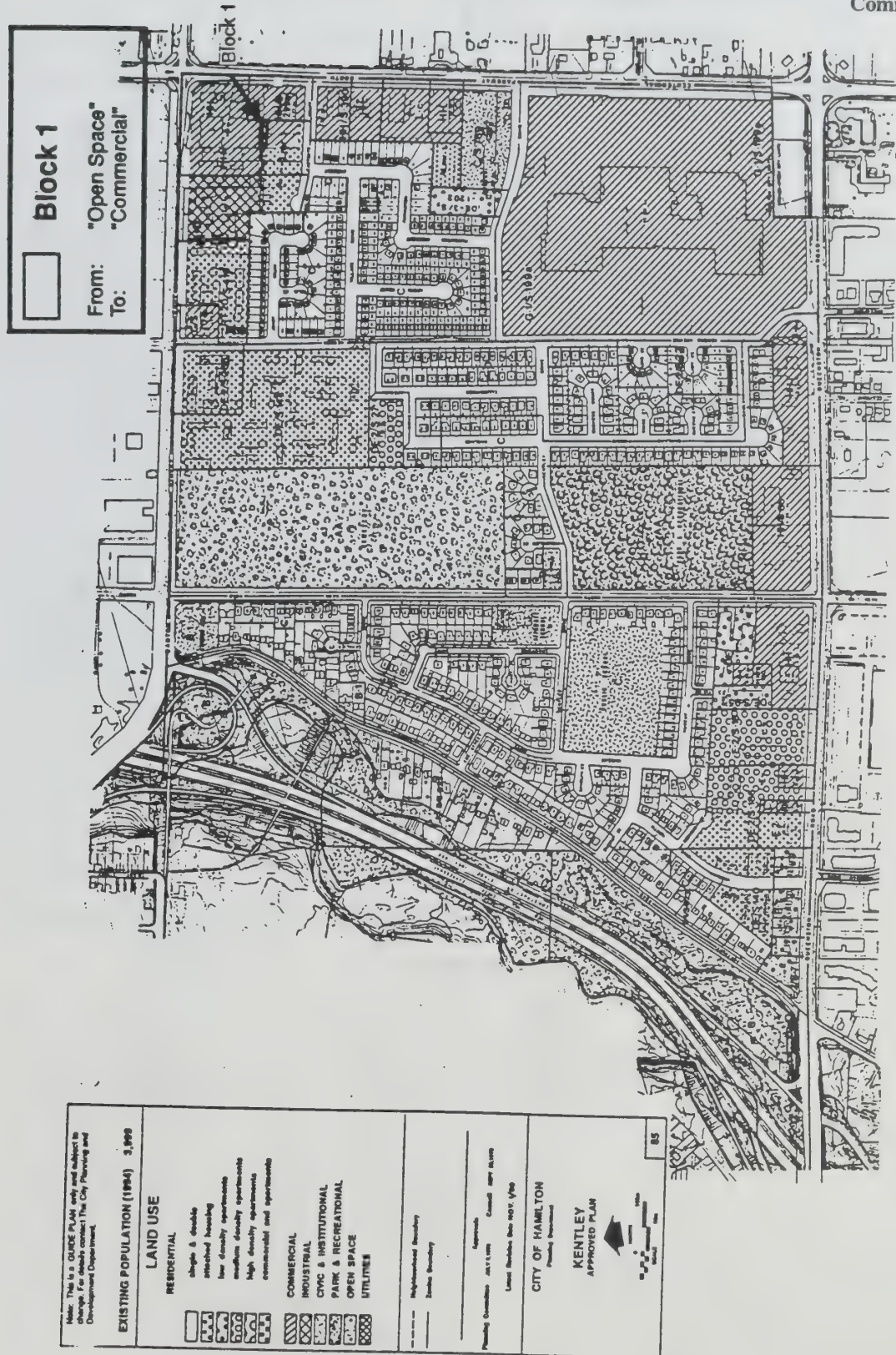
1995 August 29

Appendix "L" as referred
to in Section 26(d) of the
SEVENTEENTH Report of the
Planning and Development
Committee for 1995



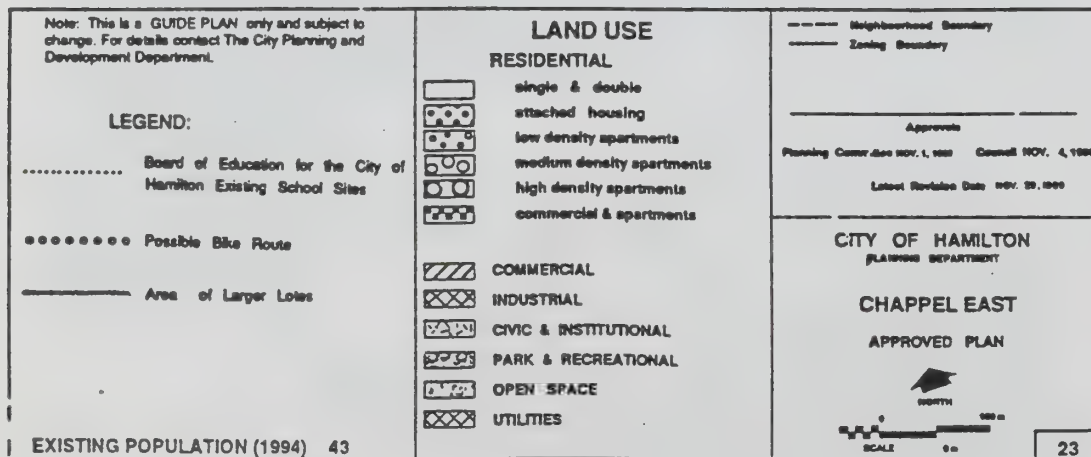
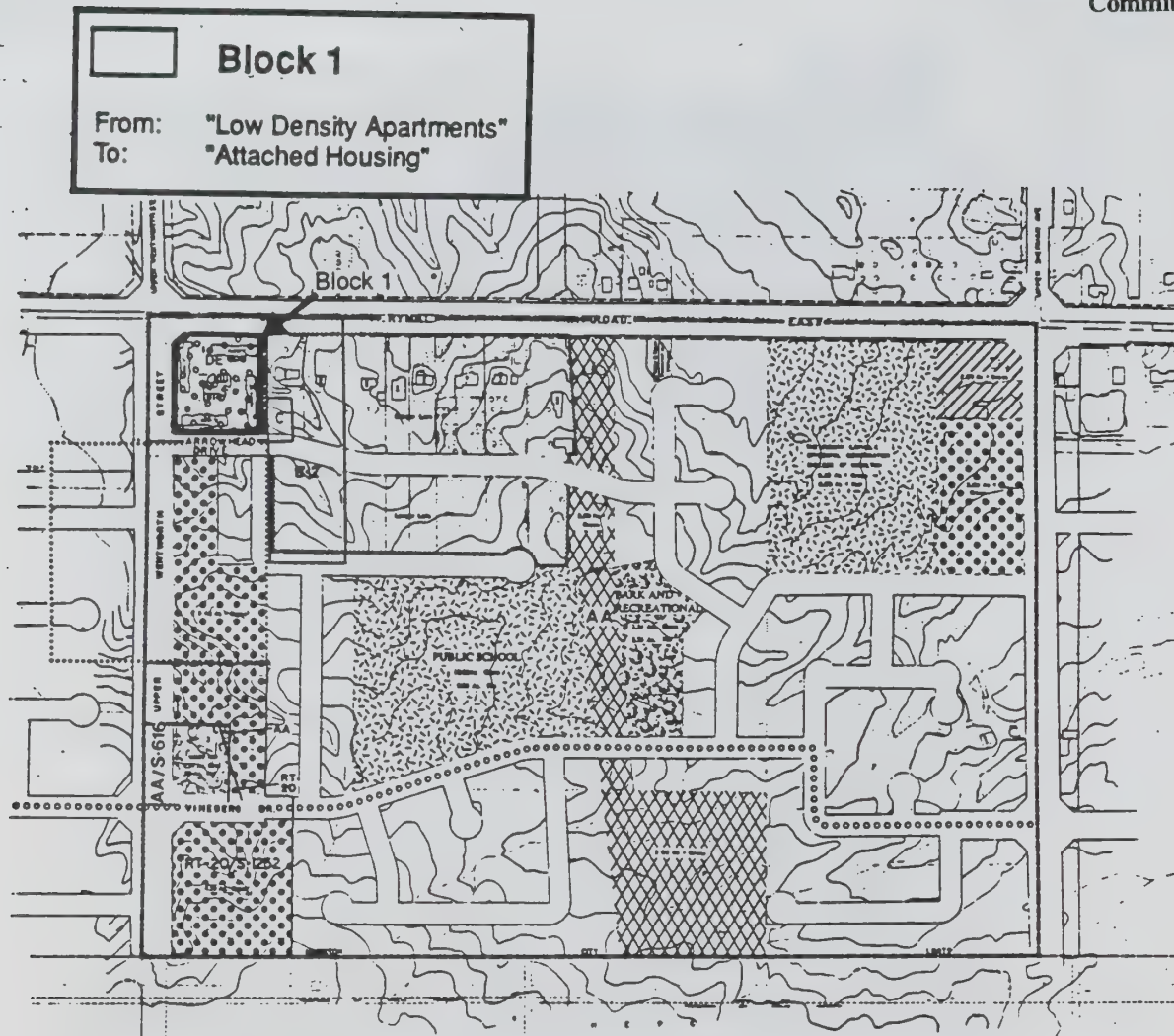
1995 August 29

Appendix "M" as referred
to in Section 26(e) of the
SEVENTEENTH Report of the
Planning and Development
Committee for 1995



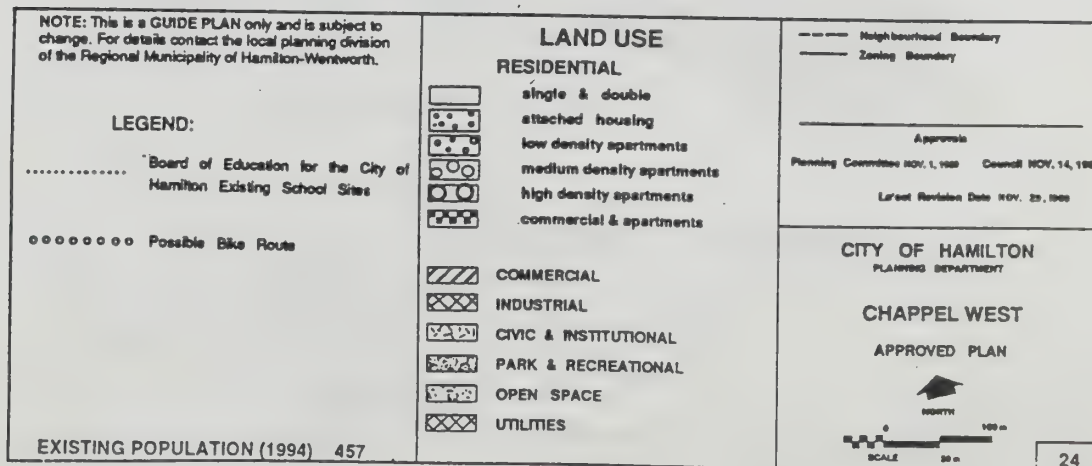
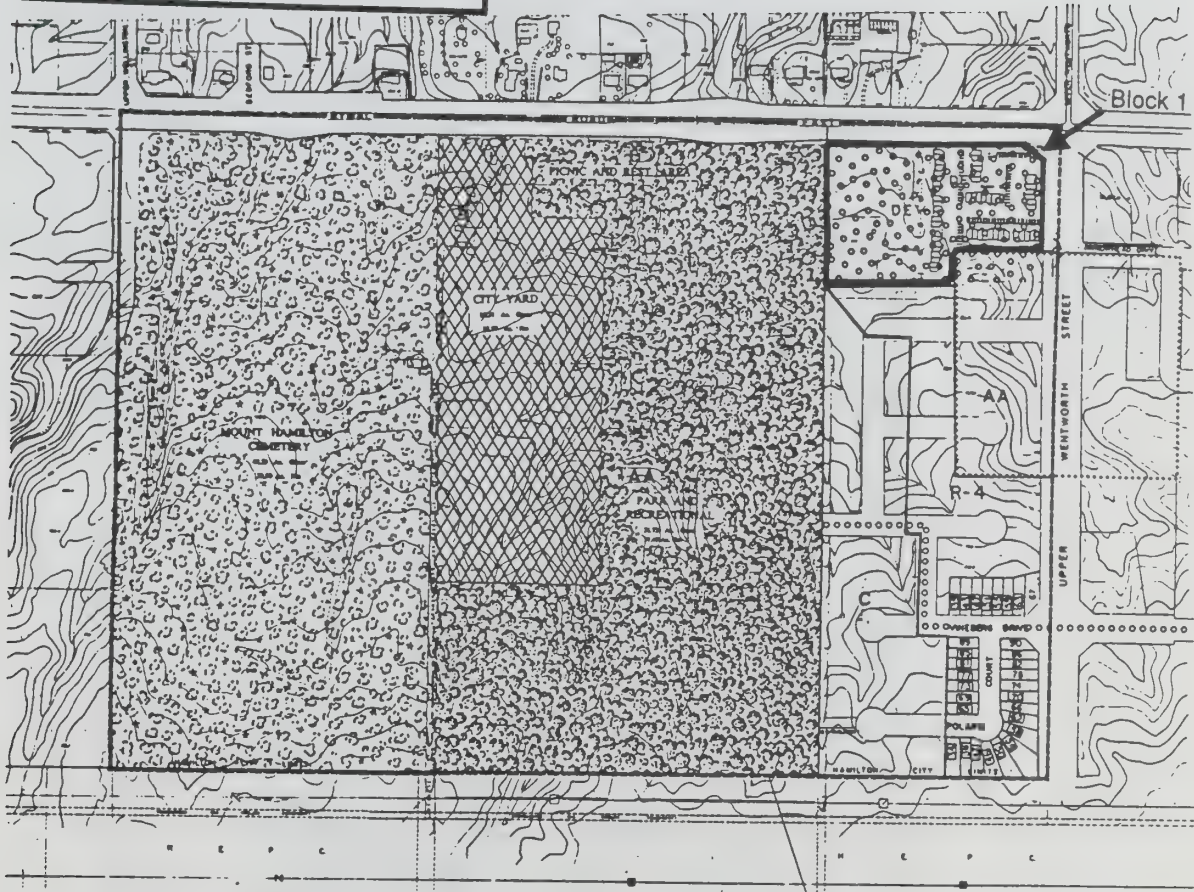
1995 August 29

Appendix "N" as referred
to in Section 26(f) of the
SEVENTEENTH Report of the
Planning and Development
Committee for 1995



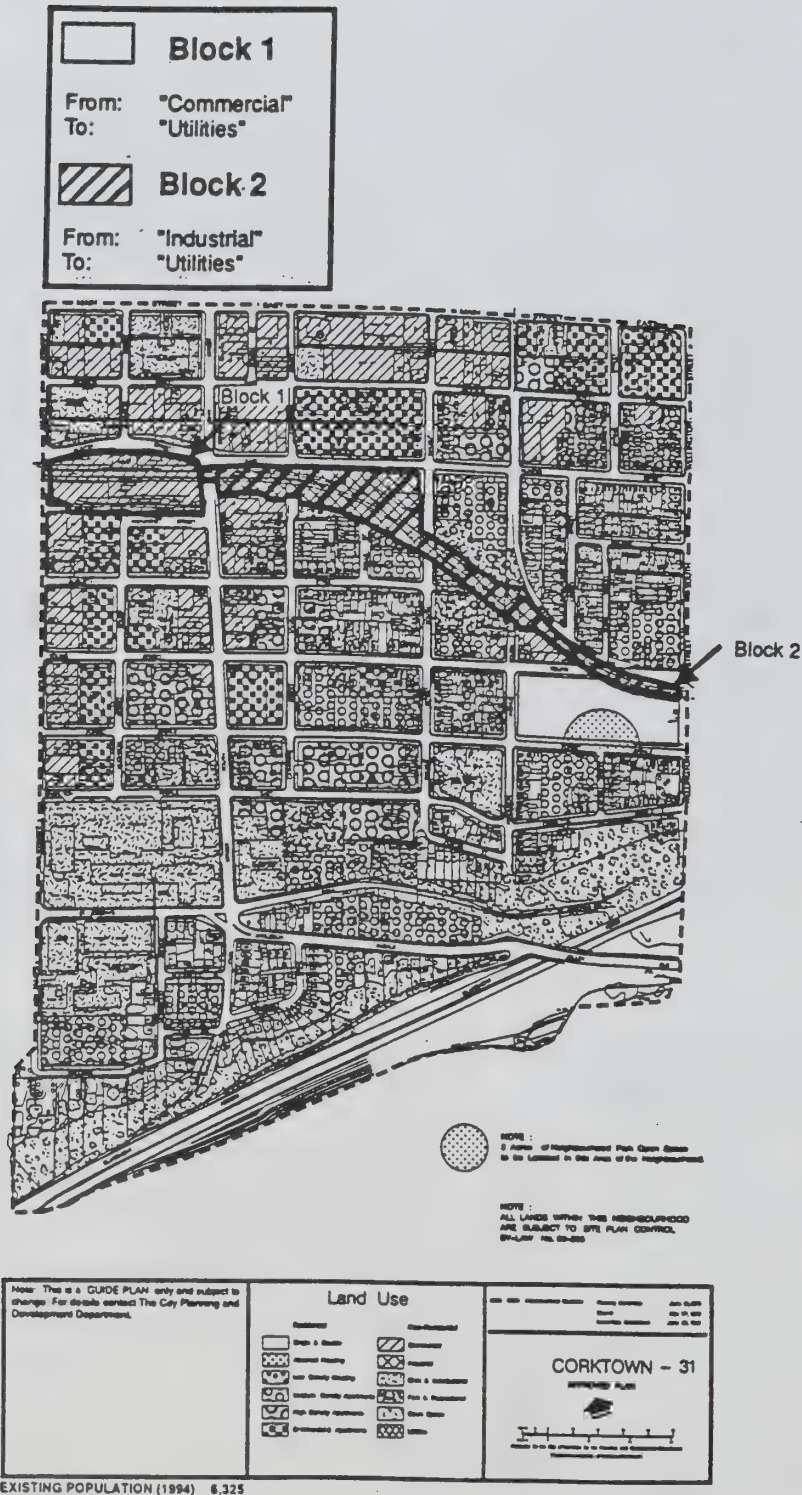
1995 August 29

Block 1
From: "Low Density Apartments"
To: "Attached Housing"



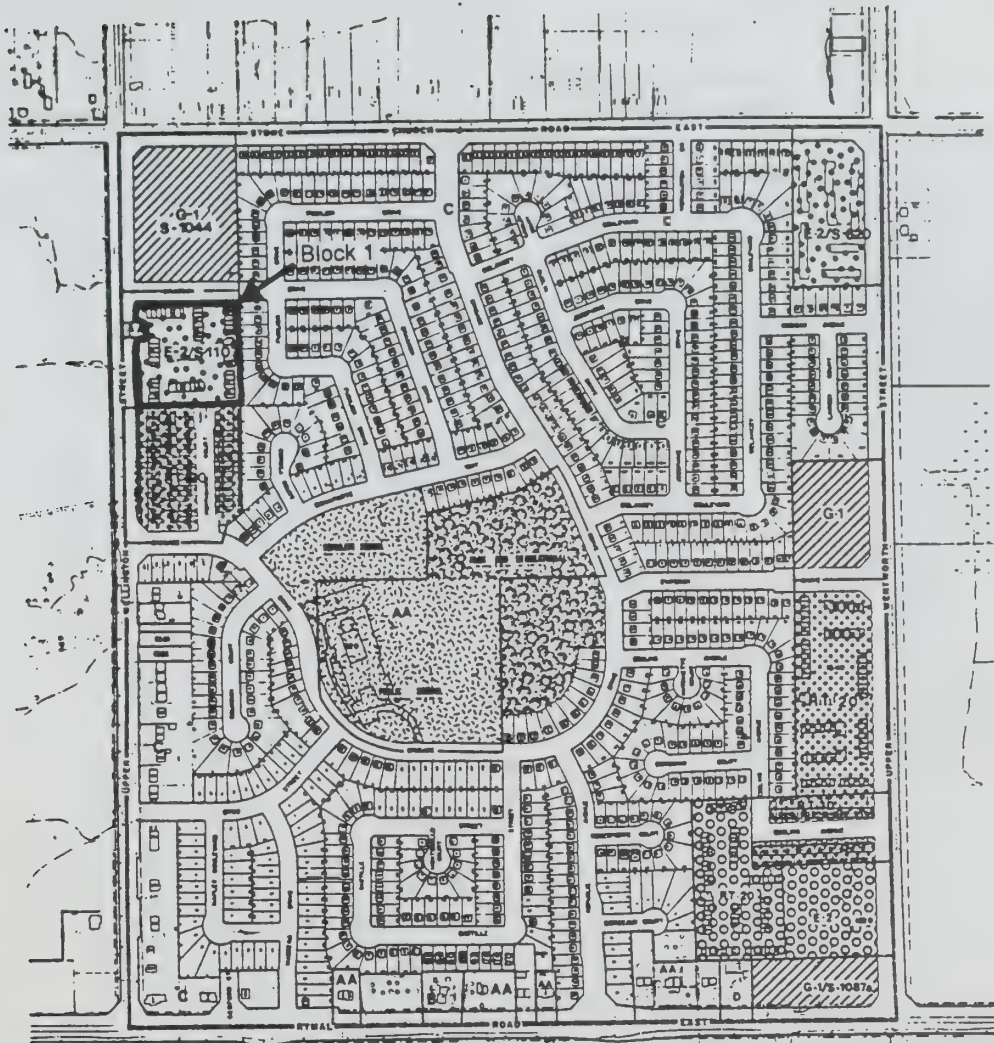
1995 August 29

Appendix "P" as referred
to in Section 26(h) of the
SEVENTEENTH Report of the
Planning and Development
Committee for 1995



1995 August 29

Appendix "Q" as referred
to in Section 26(i) of the
SEVENTEENTH Report of the
Planning and Development
Committee for 1995



Block 1

From: "Low Density Apartments"
To: "Attached Housing"

Note: This is a GUIDE PLAN only and subject to change. For details contact The City Planning and Development Department.

LAND USE

RESIDENTIAL

- single & double detached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

EXISTING POPULATION (1994) 3,767

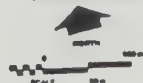
Neighbourhood Boundary
Zoning Boundary

Approved
Planning Committee 27th, 12, 1994 Council 14th, 1, 1995
Latest Revision Date SEP. 12, 1994

CITY OF HAMILTON
PLANNING DEPARTMENT

BARNSTOWN

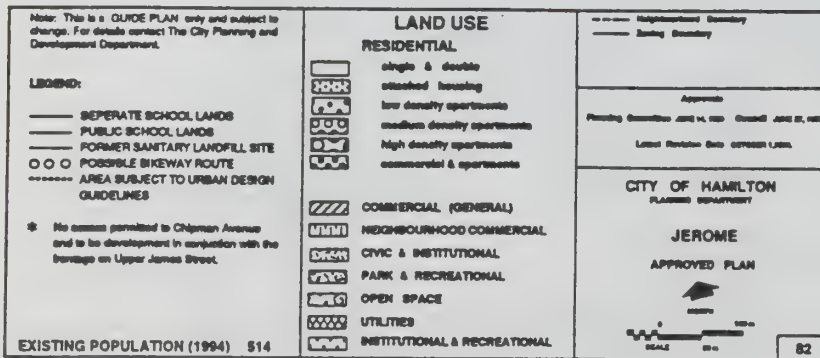
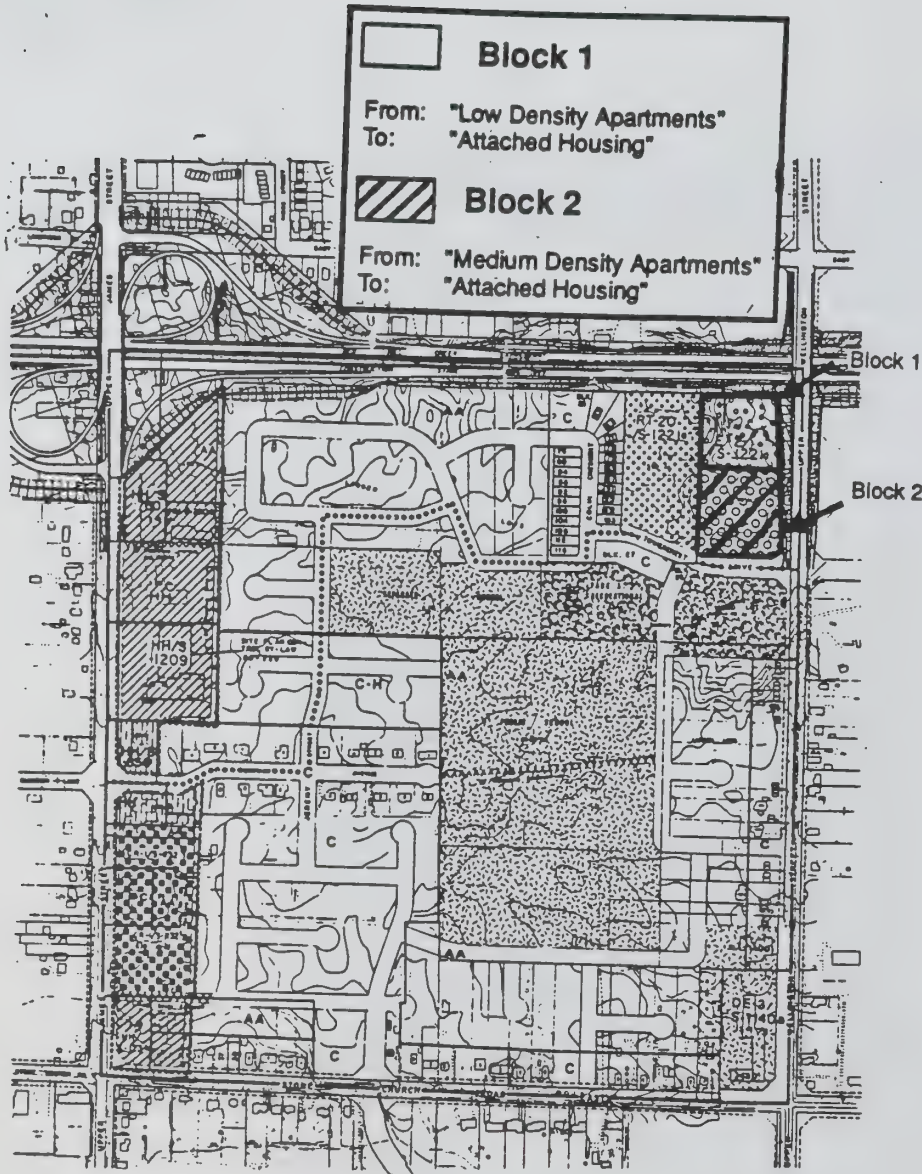
APPROVED PLAN



8

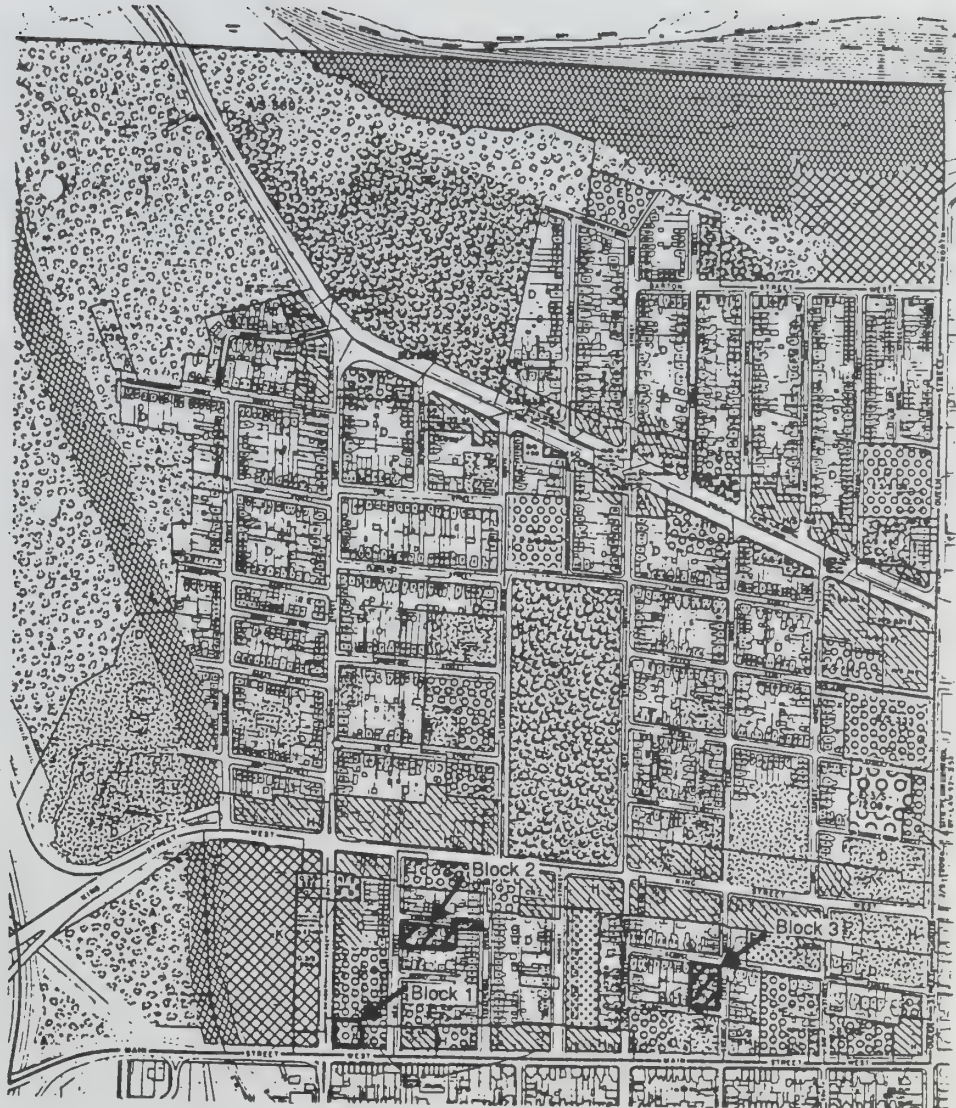
1995 August 29

Appendix "R" as referred
to in Section 26(j) of the
SEVENTEENTH Report of the
Planning and Development
Committee for 1995



1995 August 29

Appendix "S" as referred
to in Section 26(k) of the
SEVENTEENTH Report of the
Planning and Development
Committee for 1995



Note: This is a **GUIDE PLAN** only and subject to change. For details contact The City Planning and Development Department.

5.0 metre front yard setbacks for new development on the west side of Leslie Street South between Main Street and King Street.

Selected commercial uses as listed will be permitted and subject to site plan control: Professional office, photographer or artist studio, hairdresser or hairdressing establishment, tattoo shop or dressmaker shop, military shop, laundry purveyor, wedding apparel workshop, cafe, restaurant, antique shop, furniture store or book shop. Refer to City Council Minutes Date: June 24, 1993

EXISTING POPULATION (1994) 7,282

LAND USE

RESIDENTIAL

- single & double detached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

COMMERCIAL

INDUSTRIAL

CIVIC & INSTITUTIONAL

PARK & RECREATIONAL

OPEN SPACE

UTILITIES

Neighbourhood Boundary
Siding Boundary

Approved
Planning Committee 19th, 11, 1995 Council 19th, 11, 1995
Last Amended Date March 14, 1995

CITY OF HAMILTON
PLANNING DEPARTMENT

STRATHCONA
APPROVED PLAN

127

Block 1

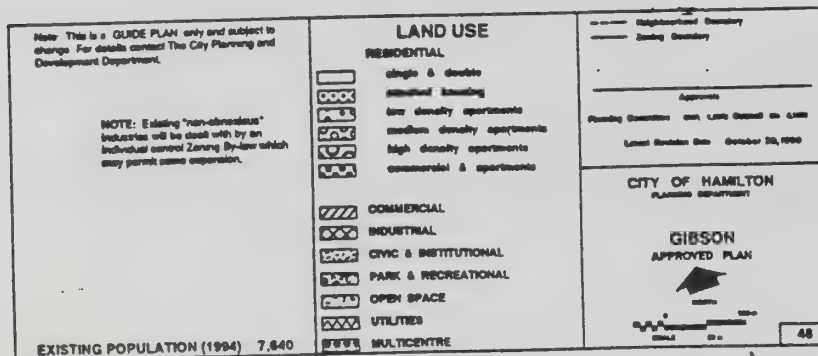
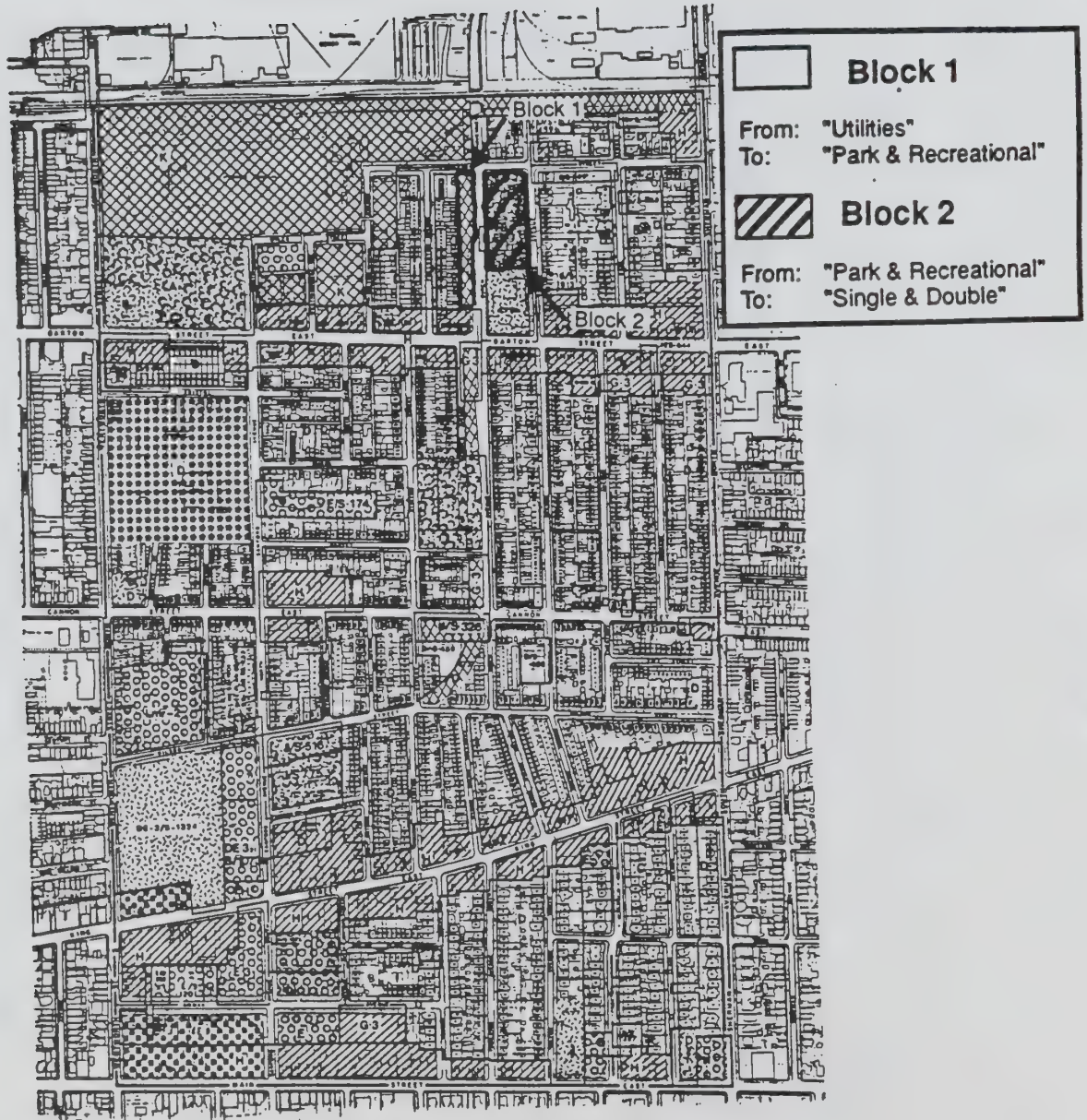
From: "Medium Density Apartments"
To: "Commercial"

Blocks 2 & 3

From: "Park & Recreational"
To: "Single & Double"

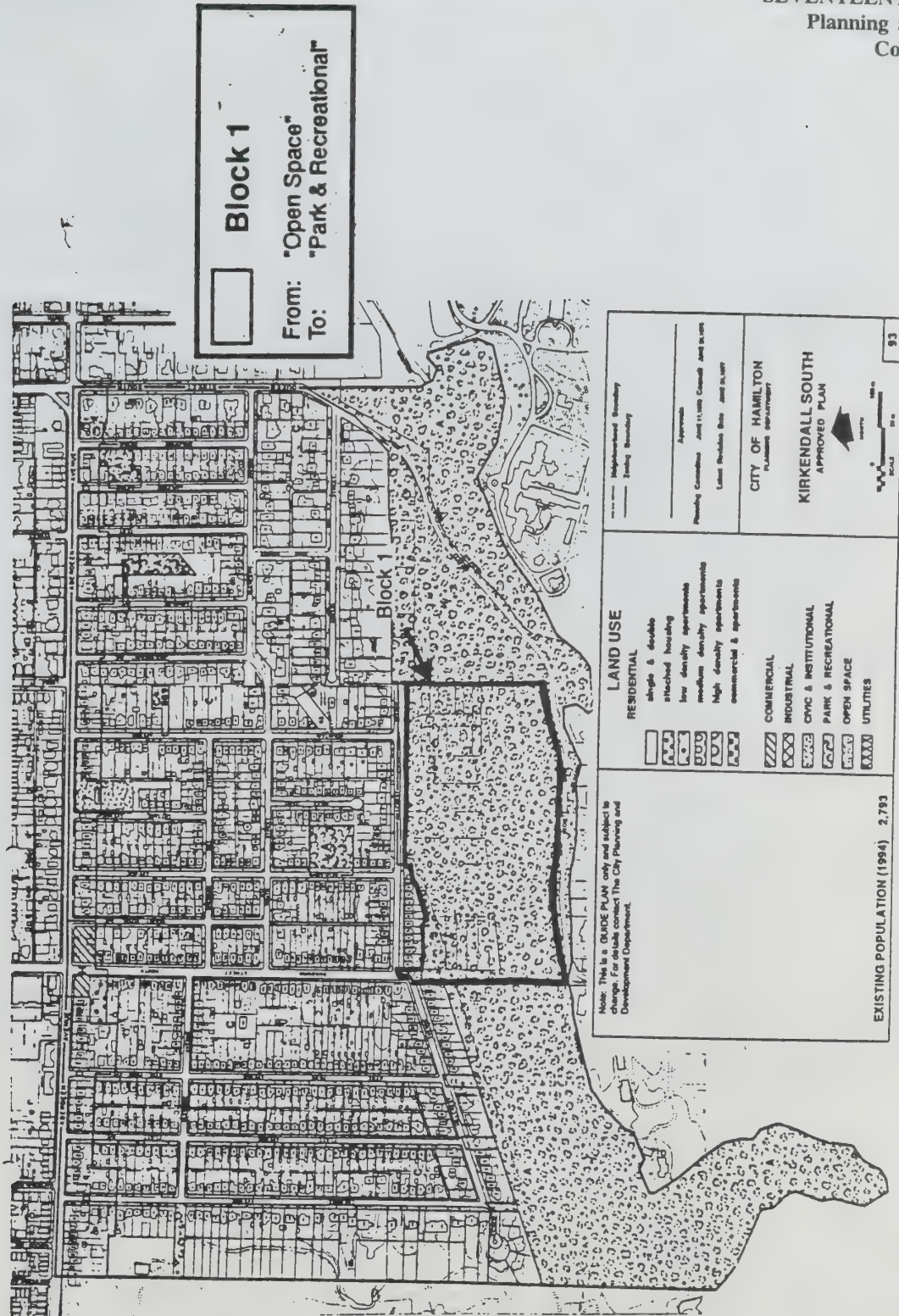
1995 August 29

Appendix "T" as referred
to in Section 26(1) of the
SEVENTEENTH Report of the
Planning and Development
Committee for 1995



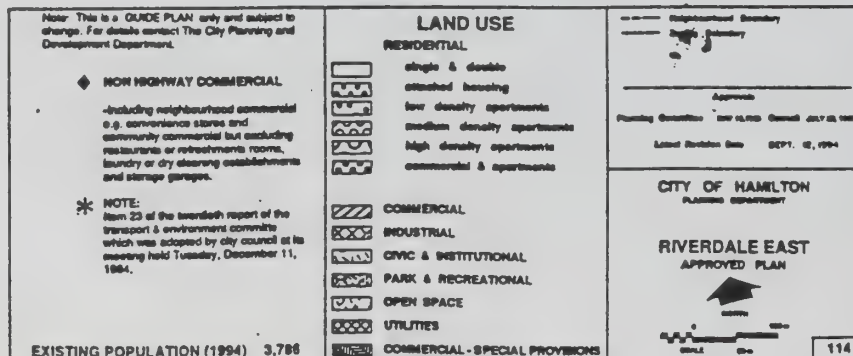
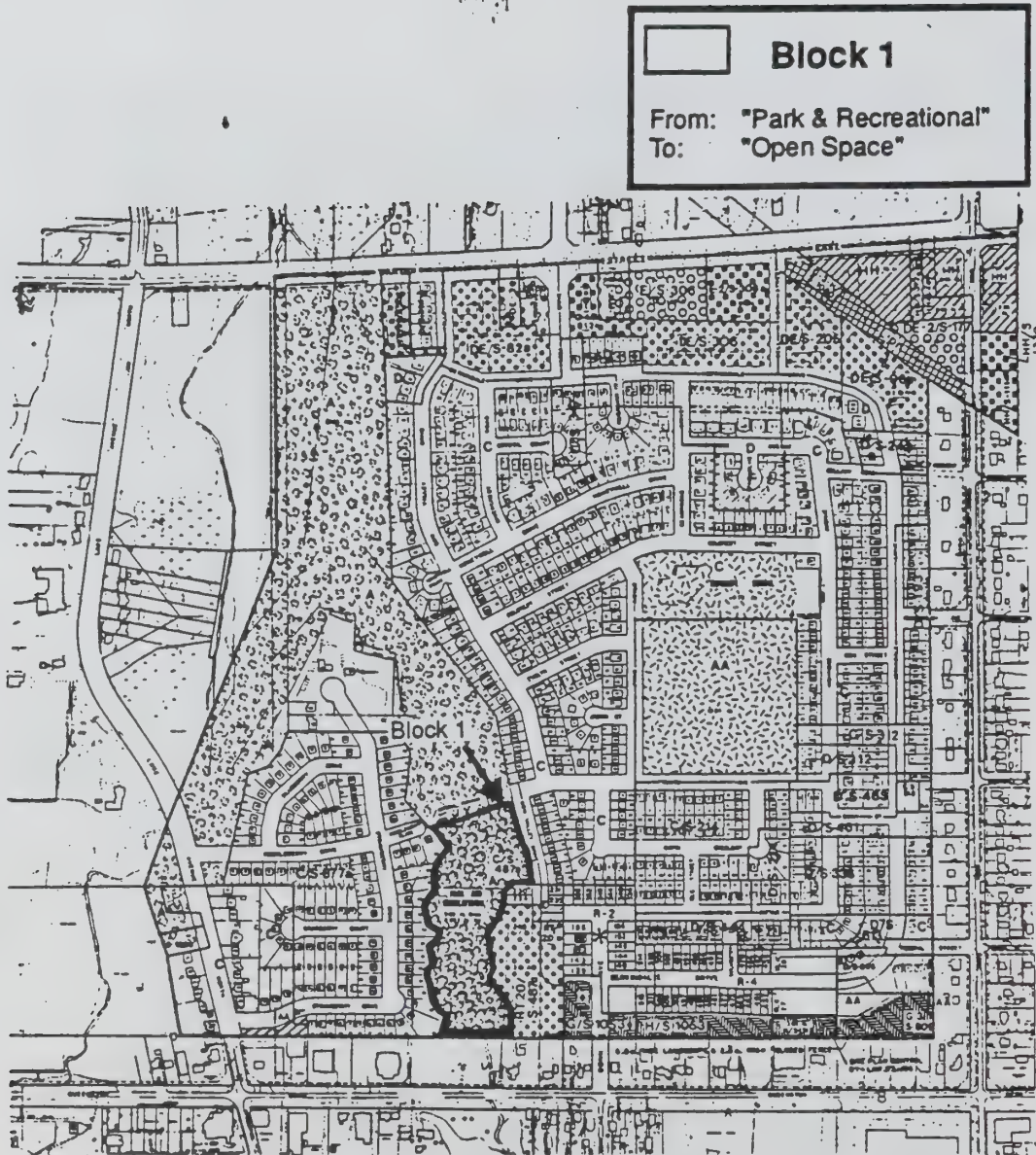
1995 August 29

Appendix "U" as referred
to in Section 26(m) of the
SEVENTEENTH Report of the
Planning and Development
Committee for 1995



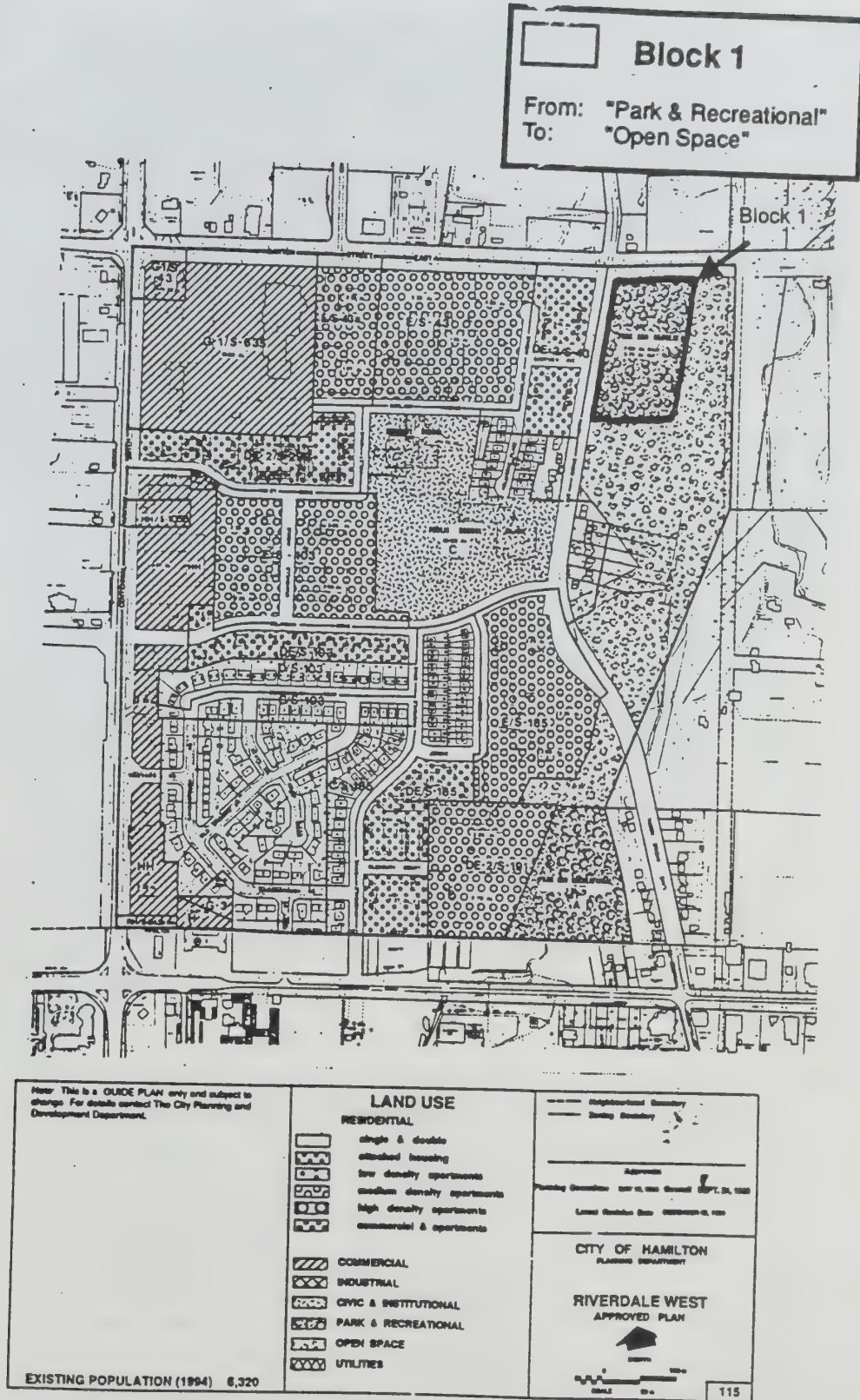
1995 August 29

Appendix "V" as referred
to in Section 26(n) of the
SEVENTEENTH Report of the
Planning and Development
Committee for 1995



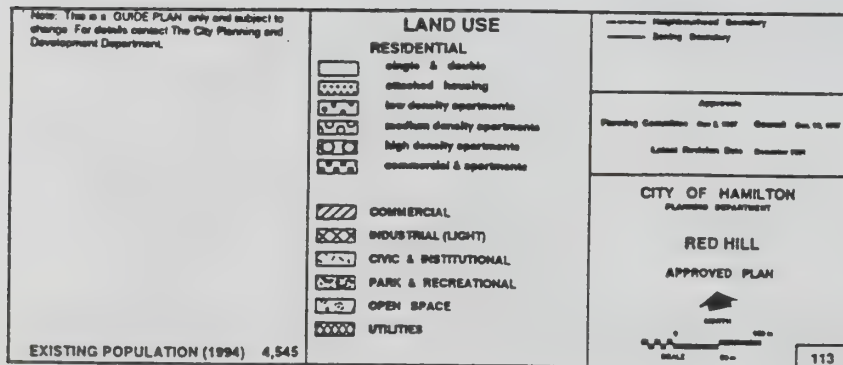
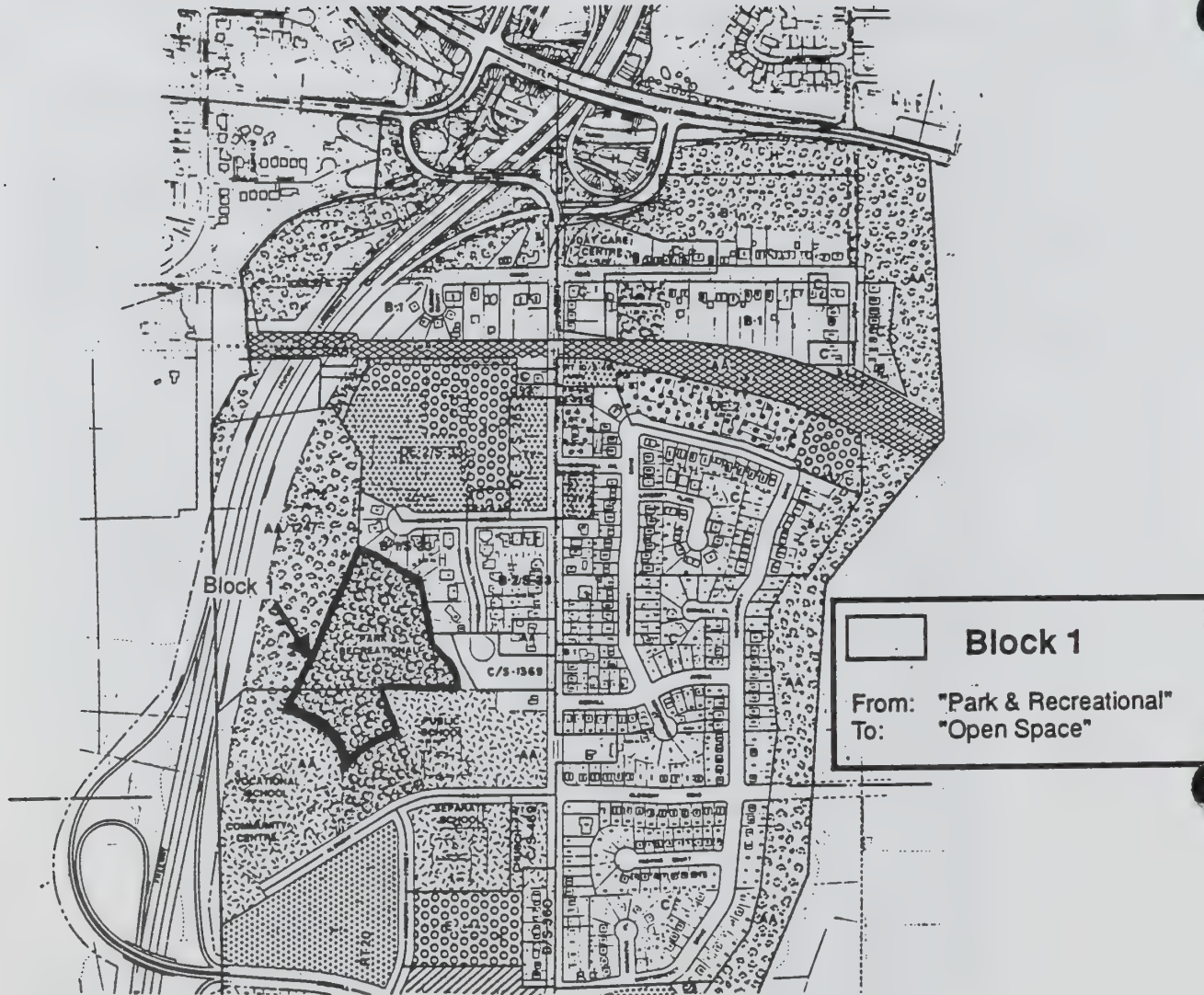
1995 August 29

Appendix "W" as referred
to in Section 26(o) of the
SEVENTEENTH Report of the
Planning and Development
Committee for 1995

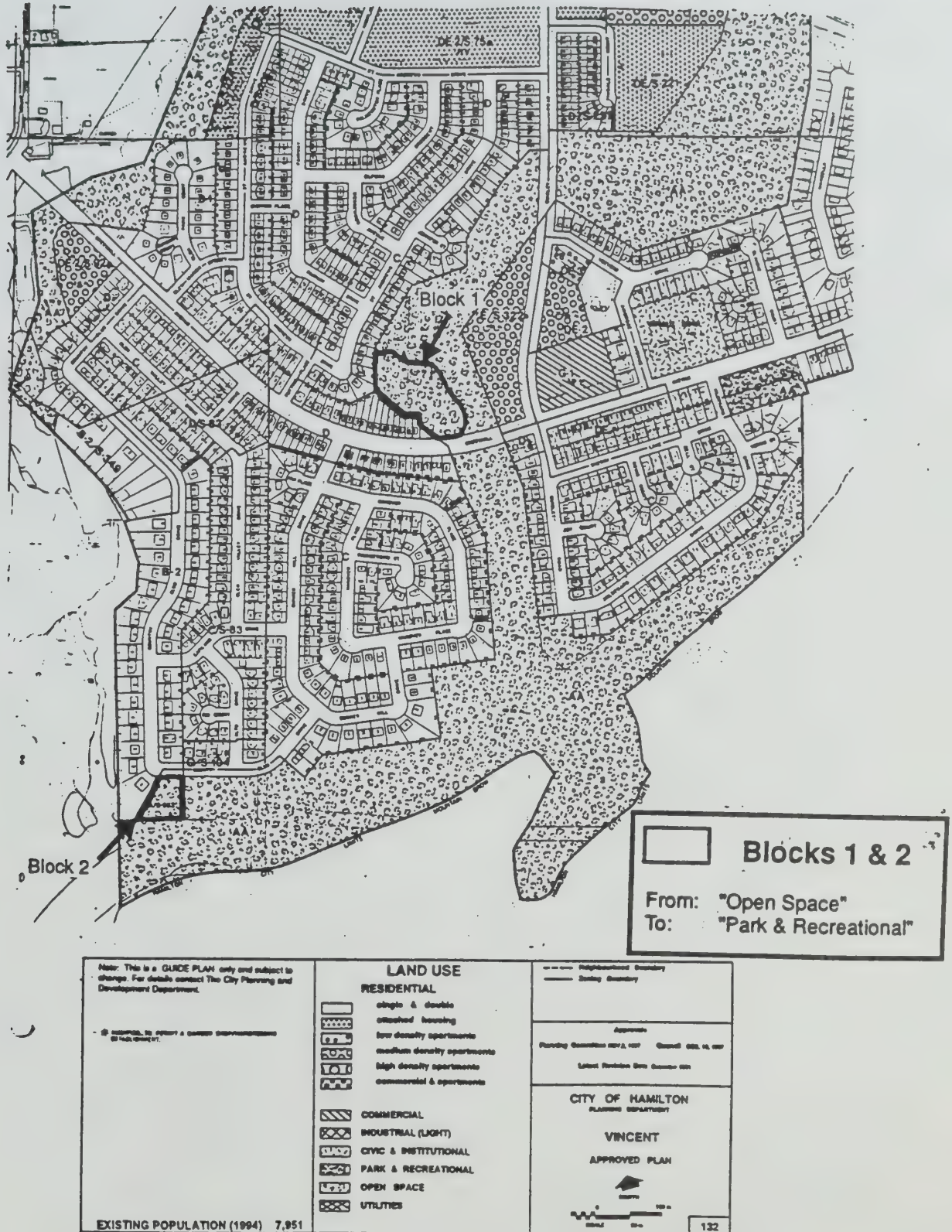


1995 August 29

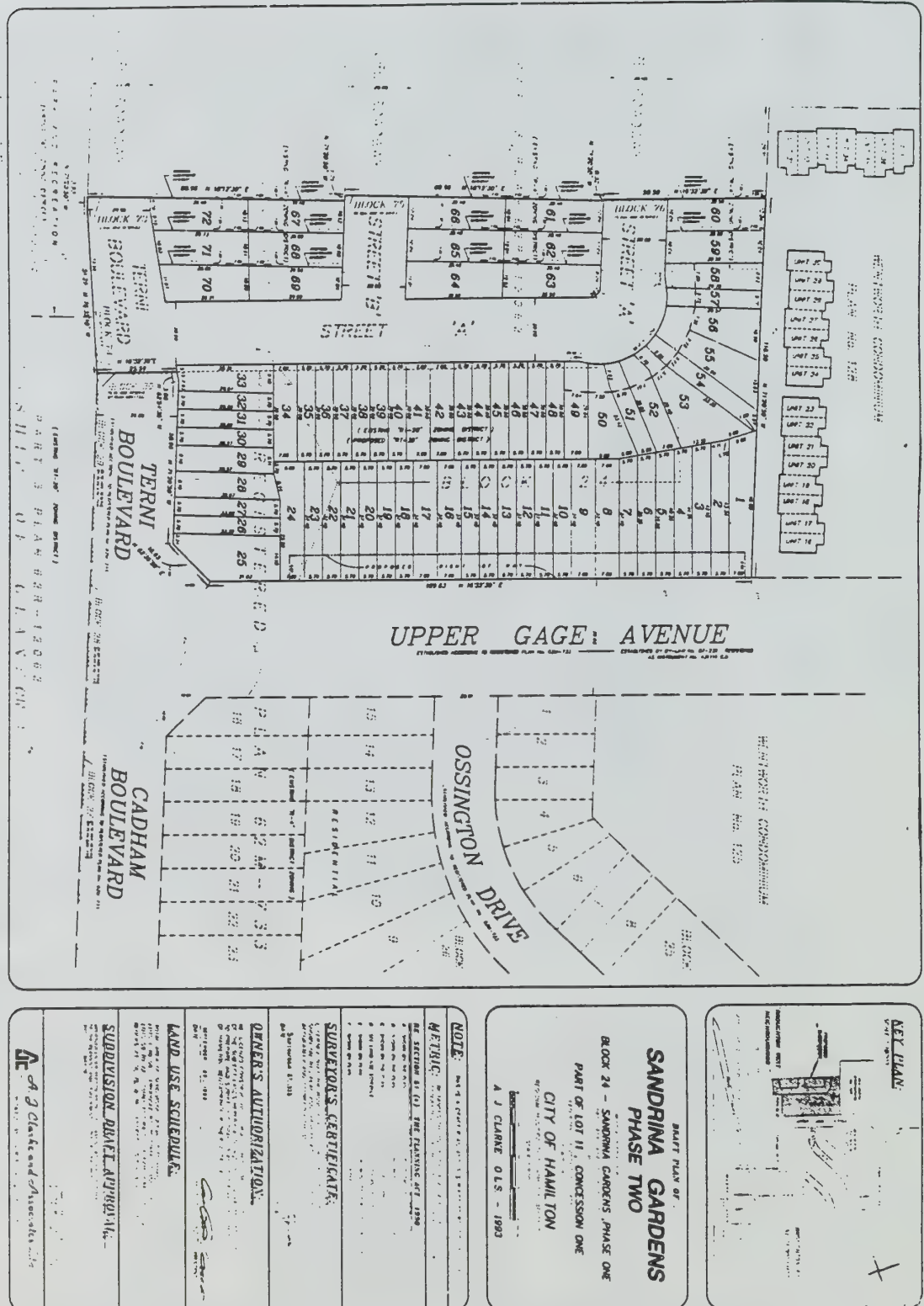
Appendix "X" as referred
to in Section 26(p) of the
SEVENTEENTH Report of the
Planning and Development
Committee for 1995



1995 August 29



1995 August 29



REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **NINETEENTH** Report for 1995 and respectfully recommends:

1. (a) That the City of Hamilton support the request of Theatre Aquarius for a Private Members Bill for tax exempt status, on the condition that it apply only for the duration of the Theatre's present mortgage of approximately fifteen (15) years; and,

 (b) That Theatre Aquarius submit to the City Treasurer a plan for repayment to the City of the current tax arrears owing.
2. (a) That approval be given to the Credit Union Charity Fest to use the City Hall Forecourt on Saturday, 1995 October 14 between the hours of 9:00 o'clock a.m. until 5:30 o'clock p.m., for the promotion of Credit Union Week in Hamilton and the raising of funds for various charities; and,

 (b) That the City Clerk be granted authority to approve similar use in future years provided it does not interfere with any other activity.
3. That the request from the Women's Centre of Hamilton-Wentworth to use the City Hall Forecourt for an overnight demonstration from 4:00 o'clock p.m. on Wednesday, 1995 September 6 until 12:00 o'clock noon on Thursday, 1995 September 7 be approved.
4. That approval be given to the action taken by the City Clerk in authorizing "Co-operation for Peace" to use the City Hall Forecourt on Saturday, 1995 August 05, between the hours of 8:30 o'clock p.m. until 11:30 o'clock p.m., for a candlelight vigil commemorating the 50th Anniversary of the Bombing of the Japanese Cities of Hiroshima and Nagasaki.
5. That approval be given to the action taken by the City Clerk in authorizing the Hamilton Mundialization Committee to use the City Council Chambers on Saturday, 1995 August 19 between the hours of 9:00 o'clock a.m. until 11:00 o'clock p.m. for a reception for a student delegation from Fukuyama, Japan.

6. That approval be given to the action taken by the City Clerk in authorizing the Diocese of Hamilton to use the City Council Chambers and the Second Floor Foyer on Sunday, 1995 August 6 between the hours of 3:00 o'clock p.m. until 6:00 o'clock p.m. for a ceremony commemorating the 50th Anniversary of the Bombing of Hiroshima.
7. That the Liquor Licence Board of Ontario be advised that the City of Hamilton has no objection to the issuance of a temporary extension of liquor licence to The Main Manor Bar and Cafe, 175 Main Street West for a Summers End Charity Barbecue to be held in their adjoining parking lot on 1995 September 30th from 11:00 a.m. until 11:00 p.m., on the condition that the requirements of the Hamilton-Wentworth Regional Police are satisfied.
8. That the Liquor Licence Board of Ontario be advised that the City of Hamilton deems the Country Music Week being in held in Hamilton on 1995 September 15 - 18 as an event of municipal significance, and as such has no objection to the following list of licensed venues being allowed to operate until 2:00 o'clock a.m. during this time:

Hamilton Convention Centre; Sheraton Hamilton Hotel; The Royal Connaught Hotel; Ramada Hotel Hamilton; Amigos; Cat N'Fiddle; Chuggies; Corktown Tavern; Dallas Roadhouse; DiMaggio's Downtown; Gaslight Bar & Grill; Ivory's Restaurant; Jake's Tap & Grill; La Luna; Lazy Flamingo; Mustang Saloon; New Dynes Tavern; Oliver's; Ragin' Cajun; Texas Border Grill & Boot Bar; The Gown & Gavel; The Plantation Inn; The Scotsman Pub; The Winking Judge; Whiskey Joe's; X Club.
9. That, pursuant to the provisions of the Liquor Licence Act of Ontario, the Council of the Corporation of the City of Hamilton deems the 1996 World Curling Championships, to be held at Copps Coliseum in Hamilton 1996 March 23 - 31, to be an event of municipal and international significance; and further that the Liquor Licence Board of Ontario be advised that the City has no objection to the issuance of a Special Occasion Permit for various areas within Copps Coliseum for the duration of the event.
10. That the Liquor Licence Board of Ontario be advised that the City of Hamilton deems the Fifth Annual Labatts/Slo-pitch Ontario Championships being held in Hamilton on 1995 September 1-3 and 1995 September 8-10 as an event of municipal significance, and as such has no objection to the Hamilton Convention Centre being allowed to operate until 2:00 o'clock a.m. on Friday, 1995 September 1; Saturday, 1995 September 2; Friday, 1995 September 8th, and Saturday, 1995 September 9th.

11. That as referred to in Section 39 of the Eighth Report for 1995 of the Transport and Environment Committee, approved by City Council on 1995 June 27, the City's share of the modification to construct the 1.5 metre sidewalks adjacent to the curb and eliminate the 1.0 metre boulevard within the plans of the subdivisions of Wisemount Estates Phase 3 and Edan Heights Phase 3, at a cost of \$6,000., be financed from Centre No. CH 00107 - "Reserve for Services Through Unsubdivided Lands".
12.
 - (a) That as referred to in Section 5 of the Tenth Report for 1995 of the Transport and Environment Committee, Section 20 of the Fifteenth Report of the Finance and Administration Committee adopted by City Council on 1995 May 30 be rescinded; and,
 - (b) That the City Solicitor be authorized to prepare an appropriate By-Law to construct an independent concrete sidewalk on the south side of Rymal Road from Upper James Street to Springside Drive under the Local Improvement Act at an estimated cost of \$74,800. with the City's share of \$24,133.30 to be financed from the 1995 Capital Levy (Account Centre No. CH 22002) and the balance of \$50,666.70 being the owner's share to be financed by the issuance of debentures for a period not to exceed 20 years. It is further recommended that application be made to the Regional Municipality of Hamilton-Wentworth to issue debentures in the amount of \$50,666.70 for a term not to exceed 20 years for the above project.
13.
 - (a) That as referred to in Section 6 of the Tenth Report for 1995 of the Transport and Environment Committee, Section 5 of the Fourteenth Report of the Finance and Administration Committee adopted by City Council 1995 May 9 be rescinded; and,
 - (b) That the City Solicitor be authorized to prepare an appropriate By-Law to construct an independent concrete sidewalk on the east side of Upper Gage Avenue from Stone Church Road to Quail Drive and from approximately 72 m south of Loconder Drive (south limit no. 1285) to Loconder Drive under the Local Improvement Act at an estimated cost of \$24,790. with the City's share of \$3,375. to be financed from the 1995 Capital Levy (Account Centre No. CH 22002) and the balance of \$21,415. being the owner's share to be financed by the issuance of debentures for a period not to exceed 20 years. It is further recommended that application be made to the Regional Municipality of Hamilton-Wentworth to issue debentures in the amount of \$21,415. for a term not to exceed 20 year for the above project.

14. That as referred to in Section 3 of the Tenth Report for 1995 of the Transport and Environment Committee, the Commissioner of Public Works and Traffic be authorized to prepare an appropriate By-Law in a form satisfactory to the City Solicitor to construct an independent concrete curb on the south side of Glenfern Avenue from Mountain Avenue to approximately 32m easterly (flankage of 61 Mountain Avenue) under the Local Improvement Act at an estimated cost of \$2,900. with the City's share of \$2,263. to be financed from the 1995 Capital Levy (Account Centre No. CH 22002) and the balance of \$637. being the owner's share to be financed by the issuance of debentures for a period not to exceed 20 years. It is further recommended that application be made to the Regional Municipality of Hamilton-Wentworth to issue debentures in the amount of \$637. for a term not to exceed 20 years for the above project.
15. That as referred to in Section 47 of the Tenth Report for 1995 of the Transport and Environment Committee, the estimated \$100,000. to bury the overhead Hamilton Hydro Electric System, Bell Canada and Cable TV wires on MacNab Street South between Bold and Hurst, and on Charles Street between Bold and Hurst and on Hurst Place between MacNab and Park, be financed from the Reserve for Capital Projects, Account Centre No. CH 00203, as a part of the 1995 Road Reconstruction Program and the authorized cost of the 1995 Road Reconstruction Program be increased by \$100,000. from \$8,525,000. to \$8,625,000. It is further recommended that the City Solicitor be authorized to revise By-law No. 95-090 accordingly.
16. (a) That the City be authorized to enter into Extension Agreements, if required, in a form satisfactory to the City Solicitor and the City Treasurer pursuant to Section 8 of the Municipal Tax Sales Act, with the owners of the following properties to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on 1994 June 28:
- | | |
|-------------------|--------------|
| 000 Rymal Road E | 46 West 21st |
| 507 Upper Sherman | 437 Rennie |
| 467 Charlton East | 73 East 35th |
- (b) That the by-law to authorize the said Extension Agreements be enacted by Council; and,
- (c) That the Mayor and City Clerk be authorized to execute the aforesaid by-law and extension agreements.

17. That realty and business tax applications processed under Section 443 of the Municipal Act, Chapter 45 Statutes of Ontario, 1990 in the amount of \$172,152.68 be approved and charged to CH53307-24104 Tax Remissions.
18.
 - (a) That the firm of MacGillivray Partners, Chartered Accountants be continued as municipal Auditor for the City of Hamilton, including its Local Boards, Hamilton Entertainment and Convention Facilities Inc., Hamilton Hydro Electric System and all of the Boards of Management for the Business Improvement Areas within the City of Hamilton for the year 1995 at an amended fee of \$104,070. including completion of the audit of the City's Financial Report, but excluding G.S.T.; and,
 - (b) That the by-law be amended respecting "To Appoint An External Auditor" be approved by City Council.
19. That the analysis of the transactions of the City's Development Charges Reserve for the year 1994, attached herewith and marked Appendix "A", be received.
20. That approval be given to issue a purchase order to A M Roofing Systems Incorporated of Hamilton, Ontario, for Emergency Roof Repairs as and when required for 1995, 1996, 1997, at an hourly charge-out rate of \$45., \$46., and \$47. respectively, this being the lowest tender received in accordance with specifications issued by the Manager of Purchasing on 1995 July 10.
21. That the following properties be declared surplus to the requirements of the City of Hamilton in accordance with the Realty Sales Procedural By-law 95-049:
 - (a) 411 Britannia Avenue, Hamilton
 - (b) 648-650 Barton Street East, Hamilton
22. That the listing of Appointments To and Terminations from Permanent Positions with the Corporation of the City of Hamilton to 1995 August 10, attached herewith and marked Appendix "B", be approved.

23. (a) That By-law 94-159 adopted by City Council on 1994 September 27th, authorizing an Agreement to extend the time open for the payment of tax arrears for the property at 39 Mary Street upon specified terms, and amended by By-law 95-23 adopted by City Council on 1995 January 10 and further amended by By-law 95-23 adopted on 1995 March 28, be further amended to approve the following revised terms :
- (i) To extend the time open for the payment of realty tax arrears, by monthly instalments each and every month during 1995 and 1996, excepting September and October and commencing 1995 November 30 (such payment also including portion of 1995 realty taxes), such that all realty tax arrears (and 1995 & 1996 realty taxes) are paid in full on or before 1996 December 31; and,
 - (b) That the City Solicitor be authorized to prepare, for presentation to City Council, the appropriate By-law to amend By-laws 94-159, 95-23, and 95-73 to authorize these amendments and to authorize an agreement to amend the Extension Agreement dated 1994 September 28; and,
 - (c) That the Mayor and City Clerk be authorized to execute the By-law and the Amending Extension Agreement; and,
 - (d) That, in the alternative, should the owners of 39 Mary Street be able to provide to the City Treasurer a single payment of \$87,559.26 on or before 1995 September 30, the City Treasurer, in consideration of the receipt of said monies, be authorized and directed to register a Tax Arrears Cancellation Certificate against the title 39 Mary Street, Hamilton and commence payment arrangements with the owner.
24. That the Letter of Understanding with C.U.P.E. 167, dated 1995 July 14, be ratified by City Council.

25. (a) That the City decline the Plaintiff's offer to settle Small Claims Court Action No. 2127/94 for the amount \$1,000., inclusive of all damages, interest and costs; and,
- (b) That the City make a counter-offer to the Plaintiff in the following terms:
- (i) That the City pay to the Plaintiff the sum of \$200., inclusive of all damages, interest and costs; and,
- (ii) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
- (iii) That Small Claims Court Action No. 2127/94 be dismissed without costs.
26. That the City offer to settle Small Claims Court Action No. 160/95 in the following terms:
- (a) That the City pay to the Plaintiff the amount of \$677.41, inclusive of all damages, interest and costs; and,
- (b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
- (c) That Small Claims Court Action No. 160/95 be dismissed as against the City without costs.
27. That the City decline to accept the Plaintiff's Offer to Settle in Ontario Court (General Division) Action No. 3461/93 by payment to the Plaintiff of the sum of \$15,000. inclusive.
28. That the City enter into a five year Licence Renewal Agreement with Burton and Marguerite Hubbard and Corrado Belacca, which shall expire on 2000 August 31, for the continued operation of the Hamilton Farmers' Market Coffee Shop, Stand No. 176, at a monthly rate of \$439. for 1995, to be adjusted during the term of the Agreement at the pleasure of Council.

29.
 - (a) That the relocation application by Dabber Bingo Holdings Inc., operating as Hamilton Bingo Country to relocate its Bingo Hall from 690 Main Street West to 75 Frid Street, be approved; and,
 - (b) That as required in the Provincial Criteria & Procedures for Bingo Halls, the City inform the applicant in writing of its decision and forward the decision to the Registrar, Gaming Control Commission, Ministry of Consumer & Commercial Relations; and,
 - (c) For the information of members of City Council, copies of the application and relevant background material will be provided under separate cover.
30.
 - (a) That the City of Hamilton pursue the opportunity of retaining the energy management services from OMEIF (Ontario Municipal Energy Improvement Facility) to provide a cost effective strategy for retrofitting municipal facilities to conserve energy and water; and,
 - (b) That City staff liaise with OMEIF staff to evolve this energy management strategy and whatever services are required and bring this information back to a subsequent Finance and Administration Committee meeting; and,
 - (c) That City Council authorize the Mayor and City Clerk to sign the Memorandum of Understanding between the City of Hamilton and OMEIF in a form satisfactory to the City Solicitor.
31. That Alderman B. Charters be appointed to serve on the Greater Hamilton Downtown Community Development Corporation's Founding Board as the Aldermanic representative.

32. (a) That an Offer to Purchase Agreement, duly executed by Bruce Laracy, on 1995 July 27 and scheduled to close on or before 1995 September 20, for the lands municipally described as 401-403 King Street West, being Lot 4 and part Lot 3, Registered Plan No. 65, Hamilton, having a frontage of 18.22 metres (59.77 feet), along the south side of King Street West and a depth of 40.23 metres (132 feet) more or less, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Property Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City, and funds derived from this sale of \$125,000., less commission, be credited to Account No. CH 4X501 00102 (Reserve for Property Purchases); and,
- (b) That the required deposit cheque in the amount of \$12,500. be held by the City Treasurer pending Council approval; and,
- (c) That upon successful completion of this sale, a real estate commission of 2.5% on the \$125,000. sale price be paid to Coldwell Banker Elite Realty, who acted in this matter; and,
- (d) That \$100,000. of the revenue derived from the sale of 401-403 King Street West be conveyed to the Community Adolescent Network (formerly Wesley House), the former occupant of the subject property, to assist in the purchase of the vacant parcel of land on which its' new facility has been erected, as approved by City Council on 1988 April 28. This contribution by the City, to be debited to Account No. CH 5X921 00102, shall have attached to it a "Disposition of Assets" clause, to be negotiated with the Community Adolescent Network and the Province of Ontario, which will in effect state that the City will receive a percentage of any revenues derived from the sale of the property in future years in the event it ceases to be used as a youth home; and,
- (e) That the Mayor and City Clerk be authorized and directed to execute the necessary documents; and,
- (f) That in accordance with Real Property Sales Procedural By-law No. 95-049:
- (i) Satisfactory notice has been given to the public of the intended sale;
 - (ii) An appraisal of the fair market value of the real property intended to be sold was obtained on the 11th day of July 1995;
 - (iii) The City Clerk be authorized and directed to execute (and issue) a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act.

33.
 - (a) That the Construction Contract for the Treasury Department renovations including security improvements and vault improvements be awarded to the overall low bidder STF Construction Limited, 148 Stapelton Ave., Hamilton at a cost of \$208,289.88 including G.S.T. of \$13,626.44; and,
 - (b) That the estimated G.S.T. Rebate of \$7,824.30 be used as Contingency Funds; and,
 - (c) That the Construction Contract be finalized by the City Solicitor; and,
 - (d) That the Mayor and the City Clerk be authorized to execute the contract on behalf of the City; and,
 - (e) That the funds are available in Account No's. CF 3191 41005 Treasury Renovations, CF 3191 41004 Security Improvement Requirements - City Hall and CF 3191 41003 - Accommodation Requirements - City Hall.
34.
 - (a) That the revisions to the Fire Alarm System, improvements to the Communications Centre, additional Storage Facilities and other items as per the list attached herewith and marked Appendix "C" be approved for Fire Station 4 - Macassa Park; and,
 - (b) That an estimated amount of \$60,000., including the contingency amount of \$6,000. be charged to Account No. CF 489241009 (Fire Station - Sherman & Fennell).
35.
 - (a) That the position of Co-ordinator of Parks Development and Maintenance in the Public Works and Traffic Department be reclassified from Level "I" to Level "H" effective 1994 January 1; and;
 - (b) That the position of Manager, Community Traffic Services in the Public Works and Traffic Department be reclassified from Level "I" to Level "H" effective 1994 March 1.

36. That leave be granted to introduce the following Bills:

- (a) D-53 A By-law to Regulate the Proceedings of the Municipal Council and Committees of The City of Hamilton.
- (b) D-54 A By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears.
- (c) D-55 A By-law respecting Appointment of An External Auditor.
- (d) D-56 A By-law to Amend Licensing By-law No. 93-069 respecting Refreshment Vehicles.
- (e) D-57 A By-law to Amend Licensing By-law No. 93-069 respecting Eating Establishments.
- (f) D-58 A By-law to Amend Schedule 4 of Licensing By-law No. 93-069 respecting Interior Advertising in Taxi-Cabs.
- (g) D-59 A By-law to replace By-law No. 93-069 for Licensing, Regulating and Governing of Stores in which Adult Videos are Provided.
- (h) D-60 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1995 August 22**

DEVELOPMENT CHARGE RESERVE FUND
STATEMENT OF CONTINUITY
FOR THE YEAR ENDED DECEMBER 31, 1994

	Total \$	Recreational Facilities \$	Parks \$	Libraries \$	Fire Stations \$	Roads & Street Lighting \$	Traffic Building and Signs \$
Balance at the beginning of the year	4,739,305	1,353,293	738,920	512,395	704,327	1,358,171	72,199
Development charges received or receivable	1,016,179	306,592	167,405	116,084	130,059	283,836	12,203
Development charges refunded	(2,027)	(656)	(359)	(249)	(202)	(546)	(15)
Interest Earned	<u>277,177</u>	<u>83,615</u>	<u>45,655</u>	<u>31,659</u>	<u>35,491</u>	<u>77,426</u>	<u>3,331</u>
	6,030,634	1,742,844	951,621	659,889	869,675	1,718,887	87,718
Transferred to the capital fund	0	0	0	0	0	0	0
Amounts allocated to other services	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Balance at the end of the year	<u>\$6,030,634</u>	<u>\$1,742,844</u>	<u>\$951,621</u>	<u>\$659,889</u>	<u>\$869,675</u>	<u>\$1,718,887</u>	<u>\$87,718</u>

Appendix "A" referred
to in Section 19 of the
NINETEENTH Report
of the Finance and
Administration
Committee for 1995.

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>STATUS</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Mr. Anthony Aquino	I	Lead Hand/Truck Driver (D17)	Public Works	Replacing Mr. M. Stephenson - transferred April 07/95	\$37,146.72	May 08/95
Ms. Cathy-Lynn Fisher	I	Cemetery Support Clerk II (8C)	Cemetery	Replacing Ms. L. Piper - promoted, January 02/95	\$20,960.48 to \$28,151.76	June 05/95
Mr. Bob Morley	I	Probationary Fire Inspector (NIC)	Fire	Replacing Mr. W. Jacklin - retired, November 30/94	\$34,234.08	July 10/95
Mr. Simon Tam	E	Traffic Operations Engineer (K)	Traffic	Replacing Mr. G. Forbes - promoted, December 30/94	\$47,412.56 to \$55,811.08	June 05/95

Prepared August 10, 1995

Status
Internal - I
External - E

THE CORPORATION OF THE CITY OF HAMILTON

TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Mr. Anthony Diligenti	Truck Driver	Public Works	Terminated	17 years	June 25/93
Mr. Bruce McCrady	Banquet Manager	H.E.C.F.I.	Terminated	12 years, 4 months	July 08/95
Mr. John Mitchell	Manager Food/Beverage	H.E.C.F.I.	Terminated	3 years, 10 months	June 29/95
Ms. Donna Morrison	Sundry Revenues Clerk	Treasury	Retired	6 years, 8 months	June 30/95
Mr. Mike Trink	Traffic Legislative Techn.	Traffic	Resigned	5 years	June 16/95
Ms. Gertrude Turner	Administrative Assistant I	Clerk's	Retired	22 years, 9 months	June 30/95

Prepared August 10, 1995

Glossary of Terms

Terminated - long term disability
 - discharge
 - downsizing
 - redundant

Resigned - personal betterment
 - personal reasons

LIST OF ITEMS

<u>ITEM</u>	<u>QUANTITY</u> <u>(ESTIMATE)</u>	<u>REMARKS</u>
1. Revisions to Fire Alarm System	1 (\$28,000.)	Code Requirement
2. Stainless Steel Sink in Apparatus Bay	1 (1,000.)	Code Requirement
3. Revisions to stove vent	1 (2,500.)	Code Requirement
4. File Cabinets at various locations	8 (5,000.)	Additional Storage Needs
5. Storage Cabinets	4 (1,500.)	Additional Storage Needs
6. Millwork shelves @ various closets	- (1,000.)	Revised Needs
7. Tack Boards	7 (1,000.)	Revised Needs
8. Coat hooks at 10 locations	- (100.)	Missed in Original Tender
9. Coat Racks	2 (600.)	Revised Needs
10. Towel Bars @ various locations	6 (300.)	Revised Needs
11. Shelves in toilets	3 (200.)	Revised Needs
12. Audio visual cart	1 (500.)	For Lecture Room
13. Folding tables	10 (3,000.)	For Lecture Room
14. Sign Board	1 (500.)	To Direct Visitors
15. LAMACOID Signs	7 (1,400.)	Revised Needs
16. Water Fountain	1 (2,800.)	Additional Requirements
17. Task Chairs	6 (3,000.)	For Communication Centre
18. Tape Storage unit	1 (800.)	For Communication Centre
19. File Storage	<u>1 (800.)</u>	Mill Work Item for Communication Centre
	\$ 54,000.	
Contingency	<u>6,000.</u>	
Total	<u>\$ 60,000.</u>	

1995 August 29

REPORT OF THE NOMINATING COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Nominating Committee presents its **FIFTH** Report for 1995 and respectfully recommends:

1. That Alderman _____ be appointed Chairman of the Committee of the Whole for the period of September, October and November 1995.

RESPECTFULLY SUBMITTED

**MAYOR R. M. MORROW
CHAIRMAN,
NOMINATING COMMITTEE**

J.J. Schatz, Secretary
1995 August 29

JJS/dg

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1995 AUGUST 29
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL**

B I L L S

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAWNO. 95-

**TO INCORPORATE CITY LAND
DESIGNATED AS BLOCK 75 ON PLAN 62M-747
INTO HAWKSWOOD TRAIL**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Hawkswood Trail by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Hawkswood Trail.

All of Block 75, Plan 62M-747.

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open as public highway the said lands.
3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this

day of

A.D. 1995

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAWNO. 95-

SALE OF THE PUBLIC WALKWAY LOCATED
BETWEEN 300 AND 304 ST. ANDREWS DRIVE,
DESIGNATED AS BLOCK ON PLAN M-27,
CLOSED BY BY-LAW95-106

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, Revised Statutes of Ontario, 1990, Chapter M.45, and amendments thereto, to establish and layout, widen, alter, divert, stop-up, lease, close, sell or retain any highway or part of a highway;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Items 24 and 25 of the 8th Report of the Transport and Environment Committee on 1995 June 27, authorized the City to sell the public walkway between 300 and 304 St. Andrews Drive, designated as Block F, Plan M-27;

AND WHEREAS The Corporation of the City of Hamilton is the owner of the above described lands;

AND WHEREAS Notice of the City's intention to pass this By-Law has been published as required by Section 300 of the Municipal Act for four consecutive weeks in the Hamilton Spectator, a newspaper having general circulation in the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard, no matter whether in objection to or in support of this By-Law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. That the sale of the following portions of the public walkway is hereby authorized;

The northerly half of Block F, Plan M-27, having frontage along the easterly limit of St. Andrews Drive of 1.524m (5 feet) more or less by 31.089m (102 feet) more or less, lying immediately south of Lot 40, Plan M-27, being No. 304 St. Andrews Drive.

The southerly half of Block F, Plan M-27, having frontage along the easterly limit of St. Andrews Drive of 1.524m (5 feet) more or less by 31.089m (102 feet) more or less, lying immediately north of Lot 41, Plan M-27, being No. 300 St. Andrews Drive.

City of Hamilton
Regional Municipality of Hamilton-Wentworth

2. That the soil and freehold of the said southerly half of the public walkway be offered and sold to Joseph Leonard Raberts and Maria Egle Raberts or their successors in title for the sum of \$1.00 in accordance with the provisions of the Offer to Purchase (Highway Closure) dated 1995 June 2, subject to the Highway Closing and Sale Purchases in the Registry Act and the Municipal Act.

3. That the soil and freehold of said northerly half of the public walkway be offered and sold to John Balsilli Ross and Christina W. Ferns Rosss or their successors in title for the sum of \$1.00 in accordance with the provisions of the Offer to Purchase (Highway Closure) dated 1995 June 2, subject to the Highway Closing and Sale Purchase in the Registry Act and the Municipal Act.
4. That in the event that the Offer to Purchase the northerly portion of said public walkway is not accepted by the Ross', an Offer will be extended to the owner of No. 300 St. Andrews Drive for the sum of \$1.00 subject to the Highway Closure and Sale Purchase in the Registry and the Municipal Act.
5. That in the event that the Offer to Purchase the southerly portion of said public walkway is not accepted by the Raberts', an Offer will be extended to the owner of No. 304 St. Andrews Drive for the sum of \$1.00 subject to the Highway Closure and Sale Purchase in the Registry and the Municipal Act.

PASSED this day of A.D. 1994

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 95-
To Authorize:

1. The construction as Local Improvements as a City initiative (without petition) under Section 12 of the Local Improvement Act of independent concrete sidewalks:

on the south side of Rymal Road East from Upper James Street to Springside Drive, as described in Schedule "A";
2. The imposition of a special assessment upon the lands of the abutting owners in respect of the abutting owners' portion of the cost of the works;
3. The preparation of plans, specifications, and reports and the supervision of the construction by the Commissioner of Transportation/Environmental Services.

WHEREAS the Council of The Corporation of the City of Hamilton did decide to authorize preparation of this by-law because it is expedient to undertake the works hereinafter described as local improvements, without petition on the initiative of Council, (Item 14 of the 7th Report of the Transport and Environment Committee on May 30, 1995);

AND WHEREAS the Council of The Corporation of the City of Hamilton did authorize that the Corporation's portion of the cost of the proposed works be paid out of current revenues, (Item 20 of the 15th Report of the Finance and Administration Committee on May 30, 1995);

AND WHEREAS notice of Council's intention to undertake the works as local improvements has been given by publication of the notice and by service of it upon the owners of the lots liable to be specially assessed under Section 12 of the Local Improvement Act, R.S.O. 1990, Chapter L26;

AND WHEREAS a majority of the owners, representing at least one-half of the value of the lots that are liable to be specially assessed, have not, within one (1) month after publication, petitioned the Council not to proceed with the works;

AND WHEREAS the Council has obtained reports, estimates and statements required for the undertaking of the said works;

AND WHEREAS the Council of The Corporation of the City of Hamilton intends to raise the Corporation's portion of the cost of the works out of its current revenues and to raise the abutting owners' portion of the costs by borrowing the required funds through the Region's issuance of debentures until said abutting owners' portion of the cost is paid by the special assessment;

AND WHEREAS the Regional Municipalities Act, R.S.O. 1990, Chapter R.8 provides (section 111) that "no area municipality has power to issue debentures", and that the Regional Council may borrow money for the purposes of any area municipality;

AND WHEREAS the Ontario Municipal Board Act, R.S.O. 1990, Chapter O.28, section 65, states that a municipality shall not authorize any work the cost of which is to be raised in a subsequent year or years until the approval of the Board has first been obtained;

AND WHEREAS the Local Improvement Act, (section 53(7)) states that the amount of monies borrowed in respect of the abutting owners' portion of the cost of the works "...shall not be deemed to be part of the existing debenture debt of the Corporation within the meaning of the provisions of the Municipal Act limiting the borrowing powers of the municipality";

AND WHEREAS Ontario Regulation 710/92 prescribed pursuant to the Municipal Act, R.S.O. 1990, Chapter M.45, establishes a limit for the City of Hamilton's debt obligations which do not require approval of the Ontario Municipal Board;

AND WHEREAS the financial commitments, liabilities and debts of the local improvement works listed herein, being financed by debentures to be issued by the Region on behalf of the City, together with the City of Hamilton's other financial obligations and debts, do not exceed the City's maximum permitted debt and financial obligation limit prescribed by Ontario Regulation 710/92 and therefore, approval of the Ontario Municipal Board to issuance of debentures by the Region hereinafter described is not required.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The construction of the works more particularly described in Schedule "A" hereto annexed and forming part of this by-law, may be proceeded with under the Local Improvement Act, at an estimated cost not to exceed \$74,800.
2. The portion of the estimated cost of the works in the amount of \$50,666.70 shall be borne by the owners of the lands abutting directly on the works and the estimated cost per metre thereof (set out in Schedule "A" attached hereto,) shall be rated and specially assessed upon the lots abutting directly on the works, according to the extent of their respective frontages therein, by an equal special rate per metre of such frontage payable in equal annual instalments until fully paid.
3. Pending payment of the abutting owners' portion of the total cost referred to in Section 2, the said share or portion shall be financed by the issue of debentures by The Regional Municipality of Hamilton-Wentworth on behalf of the City of Hamilton,
 - (a) to the extent sufficient to provide an amount not exceeding \$50,666.70;
 - (b) repayable over a term not exceeding twenty (20) years, chargeable to The Corporation of the City of Hamilton.
4. The Commissioner of Transportation/Environmental Services is hereby authorized to,
 - (a) prepare all necessary plans, specifications and reports required for the construction of the works; and,
 - (b) supervise construction of the works.

5. The Mayor and City Clerk are hereby authorized to execute, on behalf of The Corporation of the City of Hamilton, all contracts necessary for the construction of the works.

PASSED this day of A.D. 1995.

CITY CLERK

MAYOR

(1995) 7 R.T.E.C. 14, May 30
(1995) 15 R.F.A.C. 20, May 30

SCHEDULE "A"

Construction of an independent concrete sidewalk

on the south side of Rymal Road East from Upper James Street to Springside Drive.

at the estimated cost not exceeding the following:

City's Share	\$ 24,133.30
Abutting Owners' Share	<u>50,666.70.</u>
TOTAL ESTIMATED COST	\$74,800.
Estimated Cost per metre frontage payable by the abutting owners in Fifteen (15) annual instalments	\$115.

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 95-

To Authorize:

1. The construction as Local Improvements as a City initiative (without petition) under Section 12 of the Local Improvement Act of independent concrete sidewalks:
 - a) on the east side of Upper Gage Avenue from Stone Church Road to Quail Drive and from approximately 72m south of Loconder Drive (south limit of No.1285) to Loconder Drive as described in Schedule "A";
2. The imposition of a special assessment upon the lands of the abutting owners in respect of the abutting owners' portion of the cost of the works;
3. The preparation of plans, specifications, and reports and the supervision of the construction by the Commissioner of Transportation/Environmental Services.

WHEREAS the Council of The Corporation of the City of Hamilton did decide to authorize preparation of this by-law because it is expedient to undertake the works hereinafter described as local improvements, without petition on the initiative of Council, (Item 20 of the 6th Report of the Transport and Environment Committee on May 9, 1995);

AND WHEREAS the Council of The Corporation of the City of Hamilton did authorize that the Corporation's portion of the cost of the proposed works be paid out of current revenues, (Item 5 of the 14th Report of the Finance and Administration Committee on May 9, 1995);

AND WHEREAS notice of Council's intention to undertake the works as local improvements has been given by publication of the notice and by service of it upon the owners of the lots liable to be specially assessed under Section 12 of the Local Improvement Act, R.S.O. 1990, Chapter L.26;

AND WHEREAS a majority of the owners, representing at least one-half of the value of the lots that are liable to be specially assessed, have not, within one (1) month after publication, petitioned the Council not to proceed with the works;

AND WHEREAS the Council has obtained reports, estimates and statements required for the undertaking of the said works;

AND WHEREAS the Council of The Corporation of the City of Hamilton intends to raise the Corporation's portion of the cost of the works out of its current revenues and to raise the abutting owners' portion of the costs by borrowing the required funds through the Region's issuance of debentures until said abutting owners' portion of the cost is paid by the special assessment;

AND WHEREAS the Regional Municipalities Act, R.S.O. 1990, Chapter R.8 provides (section 111) that "no area municipality has power to issue debentures", and that the Regional Council may borrow money for the purposes of any area municipality;

AND WHEREAS the Ontario Municipal Board Act, R.S.O. 1990, Chapter O.28, section 65, states that a municipality shall not authorize any work the cost of which is to be raised in a subsequent year or years until the approval of the Board has first been obtained;

AND WHEREAS the Local Improvement Act, (section 53(7)) states that the amount of monies borrowed in respect of the abutting owners' portion of the cost of the works "...shall not be deemed to be part of the existing debenture debt of the Corporation within the meaning of the provisions of the Municipal Act limiting the borrowing powers of the municipality";

AND WHEREAS Ontario Regulation 710/92 prescribed pursuant to the Municipal Act, R.S.O. 1990, Chapter M.45, establishes a limit for the City of Hamilton's debt obligations which do not require approval of the Ontario Municipal Board;

AND WHEREAS the financial commitments, liabilities and debts of the local improvement works listed herein, being financed by debentures to be issued by the Region on behalf of the City, together with the City of Hamilton's other financial obligations and debts, do not exceed the City's maximum permitted debt and financial obligation limit prescribed by Ontario Regulation 710/92 and therefore, approval of the Ontario Municipal Board to issuance of debentures by the Region hereinafter described is not required.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The construction of the works more particularly described in Schedule "A" hereto annexed and forming part of this by-law, may be proceeded with under the Local Improvement Act, at an estimated cost not to exceed \$24,790.
2. The portion of the estimated cost of the works in the amount of \$21,415. shall be borne by the owners of the lands abutting directly on the works and the estimated cost per metre thereof (set out in Schedule "A" attached hereto,) shall be rated and specially assessed upon the lots abutting directly on the works, according to the extent of their respective frontages therein, by an equal special rate per metre of such frontage payable in equal annual instalments until fully paid.
3. Pending payment of the abutting owners' portion of the total cost referred to in Section 2, the said share or portion shall be financed by the issue of debentures by The Regional Municipality of Hamilton-Wentworth on behalf of the City of Hamilton,
 - (a) to the extent sufficient to provide an amount not exceeding \$21,415.;
 - (b) repayable over a term not exceeding twenty (20) years, chargeable to The Corporation of the City of Hamilton.
4. The Commissioner of Transportation/Environmental Services is hereby authorized to,
 - (a) prepare all necessary plans, specifications and reports required for the construction of the works; and,
 - (b) supervise construction of the works.

5. The Mayor and City Clerk are hereby authorized to execute, on behalf of The Corporation of the City of Hamilton, all contracts necessary for the construction of the works.

PASSED this

day of

A.D. 1995.

CITY CLERK

MAYOR

(1995) 6 R.T.E.C. 20, May 9

(1995) 14 R.F.A.C. 5, May 9

SCHEDULE "A"

Construction of an independent concrete sidewalk

on the east side of Upper Gage Avenue from Stone Church Road to Quail Drive and from approximately 72m south of Loconder Drive (south limit of No. 1285) to Loconder Drive,

at the estimated cost not exceeding the following:

City's Share	\$ 3,375.
Abutting Owners' Share	<u>21,415.</u>
TOTAL ESTIMATED COST	\$24,790.
Estimated Cost per metre frontage payable by the abutting owners in Fifteen (15) annual instalments	\$115.

BY-LAW NO. 95 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 10 (Stops at Intersections)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"Barnesdale	Northbound and Southbound	Cannon
Evans	Eastbound and Westbound	Emerald
Acadia	Northbound	Acadia/Annapolis
Gagliano	Eastbound and Westbound	Cellini
East 5th	Northbound	Empress
Denten	Westbound	Loyalist
Perthshire	Southbound	Brigade
Graystone	Southbound	Glenvale
Brittania	Eastbound and Westbound	Tolton".

2. **Schedule 29 (No Stopping Areas)** is hereby amended by adding thereto the following items, namely:-

"Maplewood	North	Springer to 82 feet east	Anytime
South	North	Dundurn to 40 feet east	Anytime".

3. **Schedule 35 (Wheelchair Loading Zones)** is hereby amended by adding thereto the following item, namely:-

"Mary	East	20 feet	31 feet north of King William	8:00 am - 8:00 pm".
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and by deleting therefrom the following item, namely:-

"Mary	East	20 feet	76 feet north of King William	8:00 am - 8:00 pm".
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PASSED this _____ day of _____ A.D. 1995.

CITY CLERK

MAYOR

BY-LAW NO. 95 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 9 (Through Highways)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following item, namely:-

"Cannon Street, from the southerly limit of Britannia to the westerly limit of Lottridge".

and by deleting therefrom the following item, namely:-

"Cannon Street from the southerly limit of Britannia to the easterly limit of Sherman Avenue".

2. **Schedule 34 (Sticker Permit Parking)** is hereby amended by adding thereto the following items, namely:-

"Rebecca	North	commencing at a point 84 feet west of Cathcart to a point 19 feet westerly therefrom	Anytime
Douglas	East	Keith to T.H.&B. Tracks	Anytime
Douglas	West	commencing at a point 79 feet south of Mars to a point 20 feet southerly therefrom	Anytime
Leeming	West	commencing at a point 46 feet south of Wright to a point 18 feet southerly therefrom	Anytime
Catharine	Both	Burlington to Brock	Anytime
Tragina	West	commencing at a point 25 feet north of Central to a point 29 feet northerly therefrom	Anytime".

and by deleting therefrom the following items, namely:-

"Frederick	East	commencing at a point 72 feet north of Britannia to a point 21 feet northerly therefrom	Anytime
Frederick	West	commencing at a point 72 feet north of Britannia to a point 22 feet northerly therefrom	Anytime".

3. **Schedule 26 (No Parking Areas)** is hereby amended by adding thereto the following items, namely:-

"Hillview	East	from the south end to 30 feet northerly	Anytime
Bunker Hill	West	Greenhill to Par	Anytime
Laura	North	Woodman to a point 119 feet westerly therefrom	Anytime
Catharine	East	Cannon to 214 feet northerly therefrom	Anytime
Emerald	West	Barton to Robert	Anytime
Rockway	North & West	from a point 233 feet east of Parkwood to the northerly end	Anytime
Rockway	South & East	from a point 271 feet east of Parkwood to the northerly end	Anytime
Chris	West	Skyview to a point 97 feet southerly	Anytime".

and by deleting therefrom the following items, namely:-

"Templemead Forest	South & West	Independence to the south property line of No. 314 Templemead	Anytime
	South	John to 128 feet west	8 am - 6 pm".

4. **Schedule 27 (Alternate Side Parking)** is hereby amended by deleting therefrom the following items, namely:-

"Douglas Street Burton to Mars	East	West
Emerald Street Main Street to Burton Street	East	West".

and by adding thereto the following items, namely:-

"Douglas Keith to Mars	East	West
Maple Kenilworth to Crosthwaite	North	South
Emerald Main to Robert	East	West".

5. **Schedule 24 (Parking Meter Locations)** is hereby amended:

(a) by deleting from **Section 2A (Two Hour Limit)** the following items, namely:-

"King (Northerly Branch)	North	Paisley to Marion
King (Southerly Branch)	South	Paisley to Marion".

(b) by deleting from **Section 1A (Three Hour Limit)** the following items, namely:-

"King (Northerly Branch)	South	Paisley to Marion
King (Southerly Branch)	North	Paisley to Marion".

and by adding thereto the following items, namely:-

"King (Northerly Branch)	Both	Paisley to Marion
King (Southerly Branch)	Both	Paisley to Marion".

6. **Schedule 25 (Parking Time Limits)** is hereby amended by adding thereto the following items, namely:-

*Forest	South	John to 128 feet west	3 hr	8 am - 6 pm	Mon-Fri
West 35th	West	Leslie to Scenic	1 hr	8 am - 4 pm	Mon-Fri
Locke	East	from a point 65 feet south of Herkimer to a point 48 feet southerly therefrom	1/2 hr	8 am - 6 pm	Mon-Fri
Whitney	Both	Broadway to Emerson	1 hr	8 am - 6 pm	Mon-Fri
Picton	Both	Bay to MacNab	1 hr	Anytime".	

PASSED this

day of

A.D. 1995.

CITY CLERK

MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 95-

TO AMEND

PARKS BY-LAW 95-126

WHEREAS the Council of the Corporation of the City of Hamilton believes it is desirous to amend By-law 95-126,

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:-

1. **Section 1 (Definition)** of the Parks By-law 95-126 passed and enacted on the 30th day of May 1995 is hereby deleted in its entirety and the following substituted therefor:

"Definition 1. (a) *Authorized Sign* means any sign, notice, other device placed or erected in or upon a Park under the authority of this By-law;

(b) *Bicycle* includes a tricycle and unicycle, but does not include a motor assisted bicycle;

(c) *City* means the City of Hamilton;

(d) *Control* includes care and custody;

(e) *Council* means the council of the Corporation of the City of Hamilton;

(f) *Commercial Motor Vehicle* means a Motor Vehicle having attached to it a truck or delivery body of unit;

(g) *Designated Area* means any area defined or constructed for a specific use which may include Posted conditions;

(h) *Director* means the Commissioner of Public Works and Traffic or the Director of Culture and Recreation of the City or their designate; except where otherwise noted;

(i) *Motor Vehicle* means a Motor Vehicle within the meaning of the Highway Traffic Act, R.S.O. 1990, C.H.8 as may be amended from time to time;

(j) *Motorized Recreational Vehicle* means a snowmobile, go-cart, trail bike, mini bike, all-terrain Vehicle, or similar Vehicle, propelled or driven by an internal combustion engine;

(k) *Organized Sport or Activity* means a sport, game or activity pre-planned by a group or organization whether or not formally constituted and whether or not the players or members wear uniforms;

- (l) *Permit* means any written authorization of Council, a committee established by Council, the Director where such authority has been delegated or the Director of Culture and Recreation where such authority has been delegated.
- (m) *Post or Posted* refers to the erection or presence of permissive, regulatory, restrictive, warning or prohibitive signs and "Posted Area" means an area where such signs are erected;
- (n) *Park* means any land, and land covered by water and all portions thereof owned by or made available by lease agreement, or otherwise to the City, that is or hereafter may be established, dedicated, set apart or made available for use as a public open space or golf course, and that has been or hereafter may be placed under the jurisdiction of the Director including any and all buildings, structures, facilities, erections, and improvements located in or on such land, save and except where such land is governed by other By-laws of the City;
- (o) *Persons with disabilities* includes any person who is blind or who has any degree of physical disability, which requires the physical reliance on a wheelchair, crutches, braces, canes or other similar remedial appliance or device;
- (p) *Public Parking Area or Parking Space* means any area of the Park on which there is an Authorized Sign designated by the City for such purpose;
- (q) *Residence* means a place that is actually occupied or used as a residential building;
- (r) *Roadway* means that part of a Park that is set aside for the use of vehicular traffic.
- (s) *Vehicle* includes a Motor Vehicle as defined under the Highway Traffic Act, R.S.O. 1990, c.H.8, as may be amended from time to time, and any bicycle, carriage, wagon, sleigh or other Vehicle or conveyance of every description, whatever the mode of power, but excludes wheelchair or similar device (powered or otherwise) used by an individual due to disability, baby carriage or cart, child's wagon, child's stroller, child's sleigh or other conveyance of like nature; and
- (x) *Watercraft* means any device for conveyance in or on water and includes but is not limited to power boats, row boats, sailboats, sailboards, canoes, kayaks, or dinghies."

2. **Section 49 (Penalty)** of the said By-law is hereby amended by adding thereto the following Sub-sections, namely:-

"49(4) A police officer or provincial offences officer observing a vehicle alleged to be parked;

(a) at a parking space for a period of time longer than the period of time permitted; or

(b) at any location where parking is prohibited,

may attach a serially numbered parking infraction notice to the motor vehicle.

49(5) Any person upon presentation of the parking infraction notice may, within 7 days pay a penalty out of Court in the amount of:

(a) not less than \$10.00 in the case of a vehicle parked longer than the period of time permitted; or

(b) not less than \$20.00 in the case of a vehicle parked where parking is prohibited."

3. The said By-law is further amended by adding thereto the following section, namely:-

"55 Any reference to By-law 89-74 shall be a reference to this By-law."

4. The said By-law is further amended by adding thereto the following section, namely:-

"Signs 28A.(1) There shall be erected one or more of the following signs in a Park:

1. Signs displaying the symbol for "No Parking" as specified under The Highway Traffic Act.
2. Signs displaying the word "Yield", or symbol in lieu thereof, specified under The Highway Traffic Act.
3. Signs displaying the word "Stop", or a symbol in lieu thereof, specified under The Highway Traffic Act.
4. Signs displaying the maximum speed limit, specified under The Highway Traffic Act.
5. Signs displaying the symbol for "No "U" Turns", specified under The Highway Traffic Act.
6. Signs indicating "One Way Traffic" specified in Part A to schedule 1 of the By-law No. 89-72.
7. Signs indicating lane use designated, specified in Part C of schedule 1 of By-law No. 89-72.
8. Signs indicating that roadway or drive is closed to vehicular traffic or to a particular class of vehicular traffic.
9. Signs indicating a public parking area.
10. Signs indicating time limit for parking.

11. Signs indicating service roads.

(2) The signs referred to in subsection 1 may contain,

- (a) an exception relating to an activity permitted in a particular area;
- (b) additional information relating to the regulation of traffic.

5. The said By-law is further amended:

- a) by deleting from the first line of **Subsection 29(c)** the following words, namely:-

"stop or"

- b) by deleting **Subsection 29(d)** in its entirety and by substituting therefor the following, namely:-

"park a Vehicle in a Parking Space reserved for persons with disabilities unless a disabled person parking permit issued in accordance with the provisions of the Highway Traffic Act, R.S.O. 1990, cH.8, as may be amended from time to time, is properly displayed on or in the Vehicle; or".

- c) by adding thereto the following subsection, namely:-

"One-way traffic 34A No person shall drive a vehicle on a one-way roadway in a direction opposite to the direction of the traffic."

- d) by deleting from the first line of **Section 36(1)(b)** the following words, namely:-

"blind persons or hearing impaired persons"

and by substituting therefore the following words, namely:-

"persons with disabilities".

- e) by deleting from the first line of **Section 36(2)(b)** the following words, namely:-

"excluding disabled persons".

- f) by adding thereto the following subsection, namely:-

"Hours of Entrance 2(1) No person shall enter into, or be in any Park between the hours of half past eleven in the afternoon and six o'clock in the forenoon, except where after hours use of a Park has been approved by the City".

- g) by deleting **Section 2 (Restricted Areas)** and by substituting therefor the following, namely:-

"Restricted Areas 2(2) While in a Park, no person shall enter into areas posted to prohibit or restrict admission of the public".

h) by deleting **Subsection 11(1) (Alcohol)** in its entirety and by substituting therefor, the following namely:-

"(1) no person shall be in possession of, consume, serve or sell alcoholic beverages unless authorized by Permit issued by Council and with the approval of the Liquor Licence Board of Ontario; and".

PASSED AND ENACTED THIS

DAY OF

A.D. 1995.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend:

Zoning By-law No. 6593
As Amended By Zoning By-law No. 92-003

and To Repeal Zoning By-law No. 93-233

Respecting:

LAND LOCATED AT MUNICIPAL NO. 1341 UPPER JAMES STREET

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 92-003 on the 10th day of December 1991 to change the zoning and to establish special requirements under Section 19B of Zoning By-law No. 6593, for the "HH" District, in respect of the above-captioned lands, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS the Ontario Municipal Board by its Memorandum of Oral Decision and Order (File No. R 920072), dated the 27th day of January 1993, as further amended by the Board on April 8, 1993, directed that By-law No. 92-003 be amended to include the site plan;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 93-087 on the 13th day of April 1993 to amend By-law No. 92-003 by adding thereto Schedule "B", being the site plan;

AND WHEREAS the Ontario Municipal Board approved a revised site plan, submitted by the applicant, which said revised site plan was attached to By-law No. 92-003 as Schedule "B" by By-law No. 93-233, passed on the 30th day of November 1993;

AND WHEREAS By-law No. 93-087 being redundant was therefore repealed by By-law No. 93-233;

AND WHEREAS the Ontario Municipal Board by its Amending Memorandum of Oral Decision and Order (File No. R 920072), directed that inclusion of the site plan to By-law No. 92-003 as a schedule was not required;

AND WHEREAS By-law No. 93-233 is redundant and can therefore be repealed;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 93-233 is hereby repealed in its entirety.
2. In all other respects, By-law No. 92-003, is hereby confirmed, unchanged.

PASSED this day of

A.D. 1995

CITY CLERK

MAYOR

(1991) 10 R.P.D.C. 19, June 25
Amending Ontario Municipal Board
Memorandum of Oral Decision and Order
W. Alex Hemstreet, Owner
Amended ZA-91-14

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Designate:

**LAND LOCATED AT MUNICIPAL NOS. 207, 211, 213
and 215 FERGUSON AVENUE SOUTH**

As Property of:

HISTORIC AND ARCHITECTURAL VALUE AND INTEREST

WHEREAS the Council of The Corporation of the City of Hamilton did give notice of its intention to designate the property mentioned in section 1 of this by-law in accordance with subsection 29(3) of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18;

AND WHEREAS no notice of objection was served on the City Clerk as required by subsection 29(5) of the said Act;

AND WHEREAS it is desired to designate the property mentioned in section 1 of this by-law in accordance with clause 29(6)(a) of the said Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The property located at Municipal Nos. 207, 211, 213 and 215 Ferguson Avenue South and more particularly described in Schedule "A" hereto annexed and forming part of this by-law, is hereby designated as property of historic and architectural value and interest.
2. The City Solicitor is hereby authorized and directed to cause a copy of this by-law, together with reasons for the designation set out in Schedule "B" hereto annexed and forming part of this by-law, to be registered against the property affected in the proper registry office.
3. The City Clerk is hereby authorized and directed,
 - (i) to cause a copy of this by-law, together with reasons for the designation, to be served on the owner and The Ontario Heritage Foundation by personal service or by registered mail;
 - (ii) to publish a notice of this by-law in a newspaper having general circulation in the Municipality of the City of Hamilton for three consecutive weeks.

PASSED this day of

A.D. 1995

CITY CLERK

MAYOR

Schedule "A"

To

By-law No. 95-

207, 211, 213 and 215 Ferguson Avenue South, Hamilton, Ontario

207 FERGUSON AVENUE SOUTH

In the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth and being composed of part of Lot Number Eight on the east side of Ferguson Avenue between Forest and Charlton Avenues according to the Survey of the late Samuel Mills, Plan 1436, more particularly described as follows, that is to say:-

COMMENCING at a point in the easterly limit of Ferguson Avenue distant twenty-nine feet ten and three-eighths inches (29' 10-3/8") measured southerly from the northwesterly angle of said Lot Number Eight;

THENCE southerly along the said easterly limit of Ferguson Avenue twenty feet four and one-eighth inches (20' 4-1/8") to a point where a line drawn through the middle of the partition wall between the brick dwellings known as Numbers 207 and 209 Ferguson Avenue South, will when produced intersect the said easterly limit of Ferguson Avenue;

THENCE easterly along said line so produced and

THENCE continuing in a straight line through the middle partition wall and to the westerly limit of an alleyway at the rear of said Lot Number Eight, ninety-nine feet (99') more or less;

THENCE northerly along the westerly limit of said alleyway twenty feet four and one-eighth inches (20' 4-1/8") to a point distant twenty-nine feet ten and three-eighths inches (29' 10-3/8") measured southerly from the northeast angle of said Lot Number Eight (8);

THENCE westerly in a straight line ninety-nine feet (99') more or less to the place of beginning.

As in Instrument Number 072099.

211 FERGUSON AVENUE SOUTH

All and Singular that certain parcel of land and premises in the City of Hamilton, in The Regional Municipality of Hamilton-Wentworth, and Province of Ontario, being composed of Part of Lot Nine (9) at the Northeast corner of Ferguson and Charlton Avenues according to the Survey of the late Samuel Mills more particulary described as follows, that is to say:

COMMENCING at a point in the easterly limit of Ferguson Avenue where a line drawn through the middle of the partition wall between brick dwellings numbers 213 and 211 Ferguson Avenue South will when produced intersect the said easterly limit of Ferguson Avenue, said point being distant Thirty-seven Feet Seven Inches (37' 7") measured northerly from the Southwest angle of said Lot;

THENCE easterly along the said line so produced and then continuing in a straight line through the middle of said partition wall and to the rear of said lot being the westerly limit of an alleyway Ninety-nine Feet (99');

THENCE northerly along the westerly limit of said alleyway Fifteen Feet, Ten Inches (15' 10") to a point where a line drawn through the middle of the partition wall between brick dwellings numbers 211 and 209 Ferguson Avenue South will when produced intersect the said westerly limit of said alleyway;

THENCE westerly along said line so produced; and

THENCE continuing in a straight line through the middle of said partition wall and to the easterly limit of Ferguson Avenue;

THENCE southerly along the easterly limit of Ferguson Avenue Fifteen Feet Ten Inches (15' 10") to the place of beginning.

TOGETHER WITH the right to use the partition wall between said dwellings 213 and 211 and 209 Ferguson Avenue South as a party wall in common with the owners and occupiers of Numbers 213 and 209 Ferguson Avenue South forever.

Being part of Lots Eight (8) and Nine (9). The premises herein are known as Municipal Number 211 Ferguson Avenue South.

As in Instrument Number 374212 C.D.

213 FERGUSON AVENUE SOUTH

All and Singular that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, and Province of Ontario, being composed of Part of Lot Number Nine (9) at the northeast corner of Ferguson and Charlton Avenues according to the Survey of the late Samuel Mills, more particularly described as follows, that is to say:

COMMENCING at a point in the easterly limit of Ferguson Avenue where a line drawn through the middle of the partition wall between brick dwellings Numbers 215 and 213 Ferguson Avenue South will when produced intersect the said easterly limit of Ferguson Avenue, said point being distant Twenty-One Feet Nine Inches (21' 9") measured northerly from the south westerly angle of said lot;

THENCE easterly along said line so produced and

THENCE continuing in a straight line through the middle of said partition wall and to the rear of said Lot, being the westerly limit of an alleyway Ninety-nine Feet (99');

THENCE northerly along the westerly limit of the said alleyway Fifteen Feet, Ten Inches (15' 10") to a point where a line drawn through the middle of the partition wall between brick dwellings Numbers 211 and 213 Ferguson Avenue South, will when produced intersect the said westerly limit of said alleyway;

THENCE westerly along said line so produced and

THENCE continuing in a straight line through the middle of said partition wall and to the easterly limit of Ferguson Avenue;

THENCE southerly along the easterly limit of Ferguson Avenue Fifteen Feet, Ten Inches (15' 10") to the place of beginning, together with the right to use the partition walls between said dwellings 213 and 211, and 213 and 215 Ferguson Avenue South as party Walls, in common with the owners and occupants on Numbers 211 and 215 Ferguson Avenue South forever.

On which is said to be erected dwelling Number 213 Ferguson Avenue South, Hamilton, Ontario.

As in Instrument Number 380567 C.D.

215 FERGUSON AVENUE SOUTH

All and Singular that certain parcel or tract of land and premises situate lying and being in the said City of Hamilton composed of part of the south half of lot number nine (9) at the north east corner of Ferguson and Charlton Avenues according to the survey of the late Samuel Mills described as follows:

COMMENCING at the south west corner of said lot number nine (9) which point is at the intersection of Ferguson Avenue and Charlton Avenue;

THENCE north along the easterly limit of Ferguson Avenue twenty-one feet nine inches (21' 9") more or less to a point where the production westerly of the centre line of a brick partition wall dividing the house erected on the lands herein described and the house immediately to the north thereof intersects the easterly limit of Ferguson Avenue;

THENCE easterly to and through the centre line of the said partition wall and the continuation thereof easterly one hundred and nine feet (109');

THENCE southerly parallel with the easterly limit of Ferguson Avenue twenty-one feet nine inches (21' 9") more or less to the northerly limit of Charlton Avenue;

THENCE westerly along the northerly limit of Charlton Avenue one hundred and nine feet (109' 0") to the place of commencement.

TOGETHER WITH the right of way with the owners and occupants of houses Nos. 207, 209, 211 and 213 and all other persons entitled thereto to use a strip of land about eleven feet (11') in width lying immediately to the east of the lands herein described as an alleyway. Upon the lands hereby conveyed or intended so to be is erected a brick dwelling known as 215 Ferguson Avenue South, Hamilton.

TOGETHER WITH the use in common of a party wall between Nos. 215 and 213 Ferguson Avenue South, Hamilton.

As in Instrument Number 94245 H.L.

Schedule "B"

to

By-law No. 95 -

REASONS FOR DESIGNATION

207, 211, 213, 215 Ferguson Avenue South

Context

207, 211, 213, 215 Ferguson Avenue South make up four units of the five-unit rowhouse built in 1886-7, just north of Charlton Avenue East. Situated in the historic Corktown neighbourhood, this brick terrace overlooking the grounds of Queen Victoria Public School is an integral component of a continuous streetscape of late 19th and early 20th century buildings extending from the base of the escarpment along the east side of Ferguson to Forest Avenue and westward along Forest to Walnut Street. Directly south of Charlton stands the *designated* High Victorian brick rowhouse at 219-227 Ferguson Avenue, and the former high level pumping station built in 1912. The open space opposite #207-215 was once occupied by a row of modest frame and brick dwellings, demolished when the new public school was built in 1963. To the rear of the terrace is a low-rise housing development, built recently on an industrial site formerly occupied by the Armstrong Cartage Company.

With the building of the Hamilton-Lake Erie Railroad in the 1870s, Ferguson Avenue became the city's major north-south railway corridor. Present-day Ferguson Avenue, now that the tracks have been removed, has the potential to be one of Hamilton's most important mountain-to-bay linkages for both vehicular and pedestrian traffic. The historic buildings along Ferguson Avenue take on additional significance due to their location on this major north-south corridor.

Architecture

One record of Hamilton's rapid growth in the latter part of the 19th century is the proliferation of brick rowhousing which appeared in downtown neighbourhoods at this time. Typical of the more modest vernacular terraces erected in the 1880s and 1890s, 207-215 Ferguson Avenue South is one of relatively few surviving examples of this type in the Corktown neighbourhood, notable for its finely crafted wood detailing. Each unit features parapet end or dividing walls with built-in chimneys, two off-centred upper windows, and a single bay window with the hexagonal form characteristic of 1880s rowhousing. Its long front facade, stepped slightly to accommodate the gently sloping site, is dominated by the five large bay windows, originally all featuring sash windows, colonnettes, and bracketed eaves. The exposed brick masonry of units #207 and #213 reveal the original segmental arches over the front doorway and second-storey windows, accentuated by contrasting brick key and corner stones. In their

original form, the doorways were noteworthy for their arched transom lights and wood lintels embellished with rope moulding and fretwork (restored at #213). Beneath the soffits were decorative dentil bands (intact on only two units). Minor alterations have to some extent undermined the architectural integrity of the row as a whole: painting of the brick masonry, parging of parapet walls, replacement of original doors and windows, and removal or covering of decorative wood elements, but these changes are for the most part reversible.

History

Built as an investment property for Margaret McIntyre, the end unit at #207 was initially occupied by John McIntyre from 1887–9. Following Margaret's death, the rowhouse was sold by the executors of her estate in 1919. It then changed hands three more times before being subdivided and sold as five separate units between 1920 and 1921.

Designated Features

Important to the preservation of 207, 211, 213, 215 Ferguson Avenue South are the original features of the west (front), south (#215), and north (#207) facades, including the roof and parapet walls, the doorways and window openings (excluding any modern replacement windows and all five doors), the bay windows, and any surviving original wood trim. Excluded is the added verandah at #215.

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS LOCATED IN THE AREA NORTH OF EASTGATE COURT
AND WEST OF CENTENNIAL PARKWAY NORTH**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982 and with the Official Plan as amended by Official Plan Amendment No. 106, proposed by the Council of The Corporation of the City of Hamilton as By-law No. 92-073, but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 4, 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13.

AND WHEREAS the special condition relating to this rezoning, referred to in Section 1 of the 3rd Report of the Planning and Development Committee adopted by City Council on the 11th day of February 1992, has been satisfied.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheets No. E-103 and E-104 of the District Maps, appended to and forming part of By-law No. 6593, are amended,
 - (a) by changing from "**L-mr-1**" (Planned Development - Multiple Residential) District to "**L-c**" (Planned Development - Commercial) District; and
 - (b) by changing from "**L-c**" (Planned Development - Commercial) District to "**G-3**" (Public Parking Lots) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "**G-3**" (Public Parking Lots) District provisions, as contained in Section 13C of Zoning By-law No. 6593, applicable to the lands referred to in section 1 are amended to the extent only of the special requirements that,
 - (a) the parking lot shall only be accessory to the use of land located at Nos. 2444-2450 Barton Street East and No. 211 Centennial Parkway North;

- (b) a planting strip not less than 1.5 m in width shall be provided and maintained along the westerly property line;
- (c) a visual barrier not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the westerly property line.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "G-3" District provisions, subject to the special requirements referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1260.

5. Sheets No. E-103 and E-104 of the District Maps are amended by marking the lands referred to in section 1 of this by-law, S-1260.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

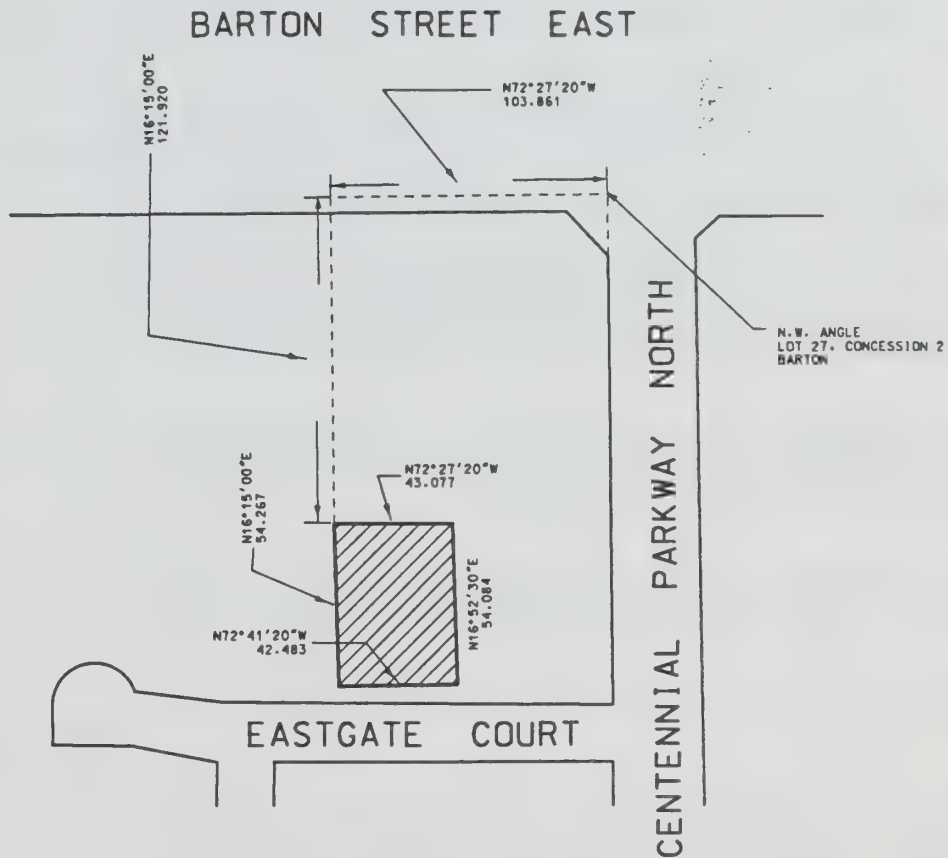
PASSED this day of

A.D. 1995

CITY CLERK

MAYOR

(1992) 3 R.P.D.C. 1(B), February 11
Truwan Holdings Limited, Owner
ZA-91-62



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 9 -----
 Passed the ----- day of -----, 199 .

 Clerk

 Mayor

City of Hamilton
Schedule A
 Map Forming Part of
 By-Law No. 9 -----
 to Amend By-Law No. 6593
 Regional Municipality of Hamilton-Wentworth
 Planning and Development Department

Legend

Change in zoning from:



"L-mr-1" (Planned Development-Multiple Residential) District to "G-3" (Public Parking Lots) District, modified.

North 	Scale NOT TO SCALE	Reference File No. ZA91-62
	Date FEBRUARY, 1992	Drawn By T.A.

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 150 CATHARINE STREET NORTH

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS the special condition relating to this rezoning, referred to in Section 7 of the 21st Report of the Planning and Development Committee adopted by City Council on the 8th day of December 1992, has been satisfied.

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District provisions, as contained in Section 10 of Zoning By-law No. 6593, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 10(1) of By-law No. 6593, only a parking lot accessory to the adjoining bakery use located at 104 Cannon Street East shall be permitted, subject to the following conditions:
 - (i) that a landscape planting strip having a minimum width of 1.0 m shall be provided and maintained along the northerly lot line, except for any area used for vehicular access;
 - (ii) that a landscape planting strip not less than 1.5 m in width and a visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the southerly lot line; and
 - (iii) that a landscape planting strip not less than 2.4 m in width shall be provided and maintained along the westerly lot line, and a visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained within the landscape planting strip.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "D" District provisions, subject to the special requirements referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1297.

4. Sheet No. E-4 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1297.

5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of

A.D. 199

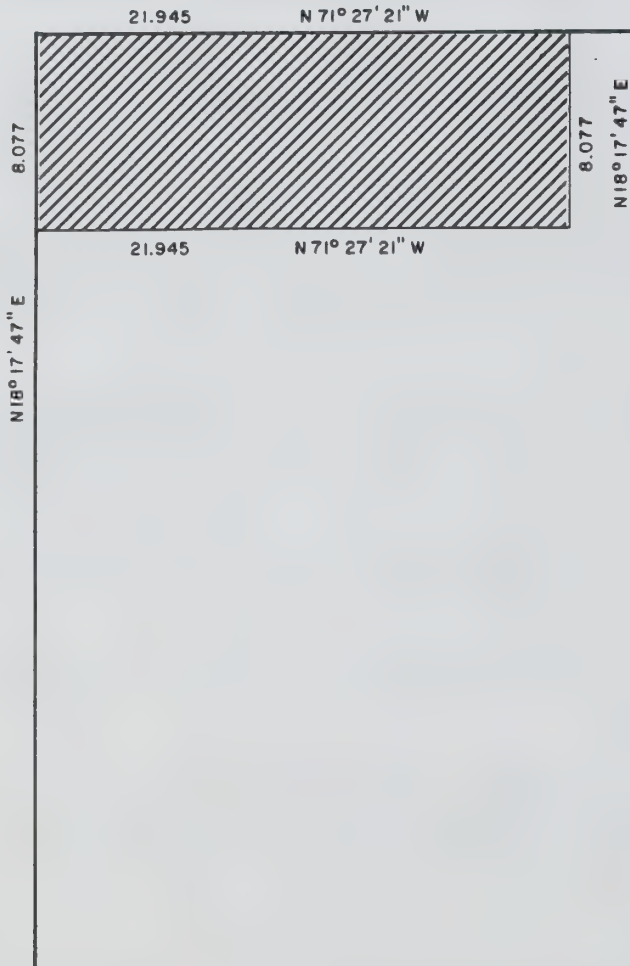
CITY CLERK

MAYOR

(1992) 21 R.P.D.C. 7, December 8
(1994) 15 R.P.D.C. 5, October 25
Pane Del Sole Bakery
(Mr. Gaetano Lattuca), Owner
Amended ZA-92-39

CANNON STREET EAST

CATHARINE STREET NORTH



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 9 -.....
Passed the day of ,199

Clerk

Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 9 -.....

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Lands to be regulated by
By-Law No. 9 -.....

North



Scale
NOT TO SCALE

Date
DECEMBER 1992

Reference File No.
ZA 92-39

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Adopt:

THE CROWN POINT EAST/McANULTY COMMUNITY IMPROVEMENT PLAN

WHEREAS Section 1(a) of By-law No. 94-186, passed on the 8th day of November 1994, (pursuant to subsection 28(2) of the Planning Act, R.S.O. 1990, Chapter P.13), designated the area shown on Schedule "A" thereto as the Crown Point East/McAnulty Neighbourhoods Community Improvement Project Area;

AND WHEREAS it is intended to adopt a community improvement plan for the Crown Point East/McAnulty Neighbourhoods Community Improvement Project Area in accordance with subsection 28(4) of the said Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The Crown Point East/McAnulty Community Improvement Plan hereto annexed as Schedule "A" and forming part of this by-law, is hereby adopted as the community improvement plan for the Crown Point East/McAnulty Neighbourhoods Community Improvement Project Area.
2. It is hereby authorized and directed that the approval of the Community Improvement Plan referred to in section 1 shall include approval for the doing of all things for the purposes thereof.
3. This by-law shall come into force and effect on the date of its approval by the Minister of Municipal Affairs.

PASSED this day of

A.D. 1995

CITY CLERK

MAYOR

(1995) 15 R.P.D.C. 7, June 27

CROWN POINT EAST/MCANULTY
COMMUNITY IMPROVEMENT PLAN

SCHEDULE 'A'

DEPARTMENT OF PUBLIC WORKS/PARKS DIVISION

1995 JUNE

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C) Community Improvement Plan	4-7
D) Conclusion	7

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"B" Neighbourhood(s) Land Use Map	9-10
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CROWN POINT EAST/MCANULTY COMMUNITY IMPROVEMENT PLAN

Introduction to the Community Improvement Plan

Hamilton City Council approved an allocation of \$400,000. in the 1994 Capital Budget for improvements to the Crown Point East/McAnulty neighbourhoods - Phase I. An additional \$400,000. for Phase II is planned in the Capital Budget for implementation in 1998.

The Official Plan outlines policies dealing with community improvement. As a result of these policies the City is required to prepare Neighbourhood Plans and Community Improvement Plans for the defined Community Improvement Project Area. It is intended that community improvement is achieved by means of the conservation, rehabilitation or redevelopment of areas characterized by obsolete buildings and/or conflicting land uses and/or inadequate levels of engineering and community services.

The Neighbourhood Plans for these neighbourhoods, adopted by City Council in 1979, identify actions to be undertaken as part of the community improvement process. Proposals for the community improvement of these neighbourhoods were placed in the City's 10-year Capital Budget. As the capital budget funding is now available, staff are reviewing the priorities identified in the 1979 Neighbourhood Plan. Based on the feedback received from the communities in the past few months, it appears that the priorities identified in the Neighbourhood Plan are consistent to those prioritized by the existing neighbourhood residents.

In order to receive as much feedback as possible from the entire community, the public participation process has been broadened in order to reach as many groups as possible. Open Houses were held to advise the citizens of the allocations, provide information on the existing hard and soft services within their neighbourhoods and, to advise of the improvement projects that were identified in the 1979 Neighbourhood Plans prepared by the Planning Department in the late 1970's, early 1980's.

This Community Improvement Plan implements the City of Hamilton's Official Plan (Sub-Section D-10 - Community Involvement, attached as Schedule 'F'), the Property Standards By-law No. 74-74 and the Crown Point East/McAnulty Neighbourhood Plans.

Neighbourhood Profiles

The Crown Point East and McAnulty Neighbourhoods comprise approximately 253 acres in Hamilton's East End with a total population of approximately 6,320 persons (1991 Population Statistics). These adjacent neighbourhoods are bounded by Dofasco to the north, Main Street East to the south, Kenilworth Avenue to the east and Ottawa Street to the west.

**Crown Point East/McAnulty
Community Improvement Plan
continued.....**

Crown Point East and McAnulty Neighbourhoods contain a wide variety of land uses (1991 Land Use Characteristics) including residential (56%), commercial (17%), industrial (15%), open space (2%), institutional (6%) and other, such as transportation, communication, utilities and parking (5%).

The two neighbourhoods that make up the Community Improvement Project Area are divided whereby approximately 70% comprises of Crown Point East and 30% of McAnulty. It should be noted that all of McAnulty Neighbourhood's residential areas are within the Project Area.

Commercial uses are limited mainly to the major arterial roads such as Ottawa Street, Barton Street, Main Street, Cannon Street and Kenilworth Avenue.

Industrial uses are limited mainly to the northerly area of the Crown Point East/McAnulty Neighbourhood. This can be attributed partly to the Canadian National Railway which divides the two neighbourhoods, and the Dofasco plant which fronts the northern boundary for McAnulty.

There are three schools in the Crown Point East/McAnulty area. Lloyd George and Queen Mary Schools are under the jurisdiction of the Hamilton Board of Education Public School System. Holy Family School is the responsibility of the Hamilton-Wentworth Roman Catholic Separate School Board. Just outside of the Crown Point East boundaries, on the south side of Main Street East, resides the Delta High School. It is important to note that the population of the school aged children is high in proportion to the amount of existing parkland in this neighbourhood.

Land use in Crown Point East/McAnulty is regulated by zoning by-laws which are controlled by the City of Hamilton's Official Plan, Crown Point East and McAnulty approved Neighbourhood Plans and related policies. The Neighbourhood Plan for McAnulty was adopted by City Council in 1979, the Neighbourhood Plan for Crown Point East in 1980. They identify which land uses are considered appropriate for future development in different areas throughout the neighbourhoods in conformance with the City of Hamilton's Official Plan. Land acquisition for the McAnulty Priority-One-Park (known as St. Christopher's Park) which was identified in the 1979 Neighbourhood Plan, has been completed and is ready for redevelopment. The Crown Point East Priority-One-Park was proposed to extend to the rear of Queen Mary Public School south of Roxborough Avenue. Ten (10) houses behind the school (situated between Province and Graham Avenue North) were targeted for purchase by the City in order to provide a future park. To date, five of the ten properties have been purchased. The funding allocation

**Crown Point East/McAnulty
Community Improvement Plan
continued.....**

for Crown Point East (\$200,000.) would not allow completion of the property acquisition for this park. Other enhancements for open space and parks will be considered.

Areas for both active and passive recreation such as baseball, football, tennis, skating, picnicing, relaxing and sunbathing would greatly improve the quality of life in the Neighbourhood. As very little parkland is available in the Crown Point East Neighbourhood for use by its residents and workers, an emphasis will be placed on improvements to passive parks within this area. Due to the fact that McAnulty already has possession of a large park, emphasis be placed on a more active nature of redevelopment. These goals are consistent with the issues identified through the Open Houses and questionnaires.

COMMUNITY IMPROVEMENT PLAN

The Community Improvement Plan will be presented in the following format:

Goals - what the neighbourhood would like to ultimately obtain

Objectives - the steps to be taken to achieve these goals

Actions - what action needs to be taken to address the objectives

GOAL ONE - Develop High Quality Recreational Services

<u>Objective 1.1</u>	Improvements to existing parks and facilities
<u>Action 1.1.1</u>	Rehabilitate St. Christopher's Park and develop as a community park.
<u>Action 1.1.2</u>	Rehabilitate Pipeline Park including improved lighting.
<u>Action 1.1.3</u>	Rehabilitate open space on Park Row North to facilitate passive park area.
<u>Action 1.1.4</u>	Incorporate accessible playstructure, complete with features for young children, into existing park/open space or neighbourhood school yard for use by the community.
<u>Action 1.1.5</u>	Neighbourhood Associations to request input from Culture and Recreation Department and Y.W.C.A. on programming needs for neighbourhoods and suggestions for alternate locations within closer proximity.
<u>Action 1.1.6</u>	Encourage Neighbourhood Association involvement in programming for new Kiwanis Boys & Girls Club Community Centre targeted to commence in 2002.
<u>Action 1.1.7</u>	Neighbourhood Association to work with Dofasco and Public Schools to develop play structures within schools with a view to creating a financial partnership.

GOAL TWO - Create a Clean, Non-Pollutant Environment Within The Neighbourhoods

- Objective 2.1** Address the problem of intense air pollution in the neighbourhood.
- Action 2.1.1** Incorporate greenery (trees, climbing vines) into frontages of existing industrial properties.
- Action 2.1.2** Introduce trees into the City Boulevards and request permission from individual property owner to plant trees on their properties.
- Action 2.1.3** Work with Homeside Neighbourhood and the Ministry of Environment to combat the air pollution problem.

GOAL THREE - Improve Overall Health and Well-being of the Residents of the Community

- Objective 3.1** Encourage establishment of an easily accessible Medical Clinic for use by the neighbourhood.
- Action 3.1.1** Neighbourhood Association to keep in ongoing contact with the Physician Associations to ensure future physicians are made aware of the need of a facility in these neighbourhoods.
- Objective 3.2** Improve accessibility to existing or future social service agencies in the area through providing the residents with more information.
- Action 3.2.1** Encourage social service agencies to work with newly developed community services/centres.
- Objective 3.3** Improve general information and referral services in the area.
- Action 3.3.1** Neighbourhood Association request that local agencies make presentation of services that are provided.
- Action 3.3.2** Local agencies be requested to send information material to area community centres and neighbourhood associations.
- Action 3.3.2** Neighbourhood Association distribute newsletters to the community incorporating all pertinent information affecting the neighbourhood.

**Crown Point East/McAnulty
Community Improvement Plan
continued.....**

- Objective 3.4** Improve the environmental quality of the neighbourhood.
- Action 3.4.1** Neighbourhood Association identify litter problem areas and review same with the Department of Public Works and C.N. Railway.
- Action 3.4.2** Work with Keep Hamilton Clean Committee to review problems in the neighbourhoods.

GOAL FOUR - Increase Public Safety

- Objective 4.1** Reduce crime in the neighbourhood
- Action 4.1.1** Neighbourhood Associations to work with the local authorities in identifying concerns.
- Action 4.1.2** Police to be invited to make presentation to the Neighbourhood Association about various programmes (i.e. Crime Stoppers, Business Watch, etc.).
- Action 4.1.3** Create a Neighbourhood Watch Committee.
- Action 4.1.4** Police be invited to make presentation to area schools to advise children on safety measures, more than once a year, to reinforce negative affects of juvenile delinquency.
- Objective 4.2** Investigate the lighting conditions in the neighbourhood
- Action 4.2.1** Increase the lighting in Pipeline Park
- Action 4.2.2** Identify areas of concern and request lighting level readings from Public Works Department.
- Objective 4.3** Improve on-street parking.
- Action 4.3.1** Neighbourhood Association to identify problem areas and review same with the Traffic Department.

GOAL FIVE - Create and Improve Upon Ever-changing Educational Needs

- Objective 5.1** Neighbourhood Association to investigate possibility of Adult Education/Retraining Programmes at a location within their neighbourhood.

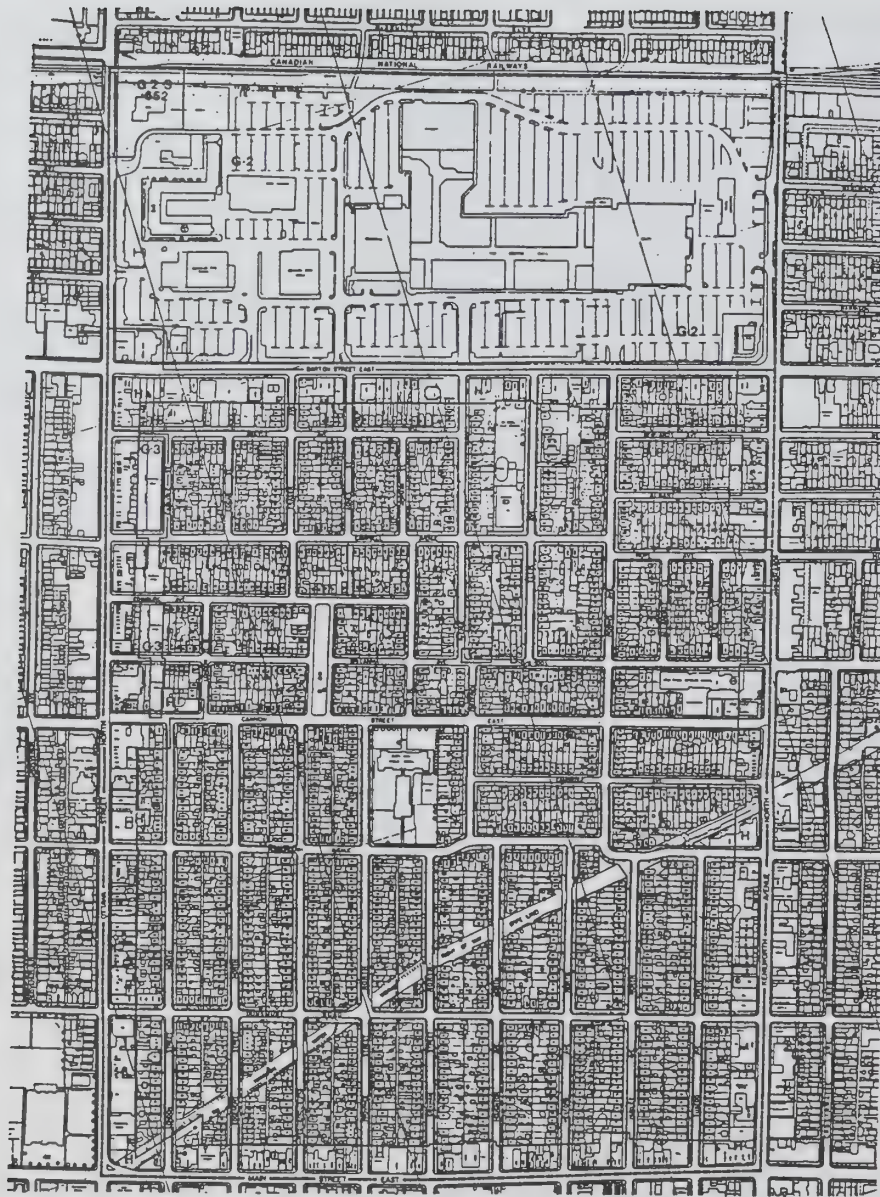
**Crown Point East/McAnulty
Community Improvement Plan
continued.....**

- Action 5.1.1** Contact Public School Board and Mohawk College to determine feasibility of programmes within neighbourhood school.
- Action 5.1.2** Request information from Mohawk College on programmes already offered in the vicinity of McAnulty neighbourhood.
- Action 5.1.3** Utilize School and Neighbourhood Association to inform residents of existing programmes available at these alternate Mohawk/College locations and funding assistance (through O.S.A.P.).

Conclusion

The north-east communities in the City of Hamilton experienced tremendous industrial growth in the 1940's, 1950's and 1960's. These neighbourhoods grew at that time to provide housing for the employees who worked at the steel mills. The neighbourhoods now provide "affordable" housing for Hamilton's citizens in accordance with provincial policy (Land Use Planning for Housing; Provincial Policy statement of Bill 163).

With the use of this Capital Budget allocation, we hope to improve the excellence of life in these areas by providing some much needed improvements and services.



72	73	74
35	34	36
37	38	39

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department.

CITY OF HAMILTON
CROWN POINT EAST
ZONING

Unincorporated Boundary
Zoning Boundary

Prepared for The City of Hamilton
by the Planning and Development Department
of the Regional Municipality of Hamilton-Wentworth

Number
6510

Scale
1:10,000

Page 34

Subsection D.10 - Community Improvement

It is the general intent of the Plan to promote the ongoing maintenance of the established areas of residences and work in the City through COMMUNITY IMPROVEMENT. Accordingly, it is intended that COMMUNITY IMPROVEMENT be achieved by means of the conservation, rehabilitation or redevelopment of areas characterized by obsolete buildings, and/or conflicting land uses and/or inadequate levels of Engineering and Community Services.

It is thus necessary to provide the framework to co-ordinate public and individual initiatives to effectively utilize the funding programs available from senior levels of government for COMMUNITY IMPROVEMENT. To this end, it is further intended that COMMUNITY IMPROVEMENT Project Areas, be identified and appropriate strategies for their revitalization be detailed through COMMUNITY IMPROVEMENT Plans.

10.1 It is the intent of Council that the COMMUNITY IMPROVEMENT AREAS as shown on Schedule "H" may be designated, in whole or part, by by-law, as COMMUNITY IMPROVEMENTS Project Areas, for which detailed COMMUNITY IMPROVEMENT Plans will be prepared. (O.P.A. No. 15)

10.2 Council will utilize the following criteria to identify and delineate COMMUNITY IMPROVEMENT Project Areas:

- i) Older, predominantly Residential areas, which are potentially stable and have some of the following:
 - a) a significant portion of the housing stock in need of rehabilitation;
 - b) inadequate Engineering Services such as: sewers and watermains; roads and streets; curbs and sidewalks; and street lighting and utilities;
 - c) inadequate Community Services such as public indoor/outdoor recreational facilities; public open space; and public social facilities;
 - d) encroachment of non-residential uses; and,
 - e) inadequate parking facilities.

ii) Older, predominantly Commercial areas, which are potentially stable and have some of the following:

- a) a significant portion of the building stock in need of rehabilitation;
- b) inadequate Engineering Services such as: roads, sewers and watermains, street lighting;
- c) poor overall visual amenity of the area;
- d) existing or potential for a Business Improvement Area designation; and,
- e) Inadequate parking facilities.

iii) Older, predominantly Industrial areas, which are potentially stable and have some of the following:

- a) inadequate Engineering Services;
- b) inadequate road access and traffic circulation;
- c) shortage of land to accommodate building expansion and/or parking and loading facilities;
- d) encroachment of non-industrial uses; and,
- e) building and/or property deterioration. (O.P.A. No. 15)

10.3 Council will determine the sequences in which designated COMMUNITY IMPROVEMENT Project Areas will have individual COMMUNITY IMPROVEMENT Plans prepared. In this manner, limited public funding assistance will be directed to those Areas with critical deficiencies. (O.P.A. No. 15)

10.4 The COMMUNITY IMPROVEMENT Plan will function to co-ordinate individual initiatives to improve properties with municipal actions to improve Engineering and Community Services. Accordingly, COMMUNITY IMPROVEMENT Plans will define which of the following measures amongst others will apply in the affected COMMUNITY IMPROVEMENT Project Areas:

- i) Use of appropriate funding programs;
- ii) Acquisition of land where necessary in keeping with Subsection D.5 of this Plan;
- iii) Enforcement of a property standards by-law in keeping with Subsection C.5 of this Plan;
- iv) Consideration of more flexible zoning including bonus zoning provisions, where it will support the COMMUNITY IMPROVEMENT objectives;
- v) Encouragement of infill and rehabilitation where feasible;
- vi) Promotion of historical preservation through the appropriate Provincial and Federal legislation in keeping with Subsection C.6 of this Plan; and,
- vii) Promotion of the viability of Commercial areas through such means as the establishment of Business Improvement Areas. (O.P.A. No. 15)

10.5 In the preparation of a COMMUNITY IMPROVEMENT Plan, Council will solicit the input of affected residents, property owners and other interested groups in keeping with the Notice and Public Participation Procedure, as set out in Subsection D.8 of this Plan. COMMUNITY IMPROVEMENT Plans and amendments thereto will be adopted by Council. (O.P.A. No. 15)

10.6 When Council is satisfied that the COMMUNITY IMPROVEMENT Plan has been carried out, Council may, by by-law, dissolve the COMMUNITY IMPROVEMENT Project Area. (O.P.A. No. 15)

The Corporation of the City of Hamilton

BY-LAW NO. 95—

To Remove

Land within the "Sandra Gardens - Phase 2" Subdivision, Plan 62M-780
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

- (7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part of parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land, . . .;

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, shall not apply to the following lands:

Lots 1 to 24 inclusive and Lots 60, 61, 62, 65, 66, 67, 68, 71 and 72 within Registered Plan Number 62M-780, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.
2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton-Wentworth.
- (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.
- (c) This By-law shall expire on September 1, 1997.

PASSED this day of A.D. 1995.

City Clerk

Mayor

BY-LAW NO. 95-

To Regulate the Proceedings of the Municipal Council and Committees of The City of Hamilton.

GENERAL

1. The Rules and Regulations contained herein shall be observed in all proceedings of Council and its Committees.

PART I**MAYOR**

2.
 - (a) The Council shall appoint an Alderman as Acting Mayor to act in place and stead of the Mayor when the Mayor is absent from the City of Hamilton or the Mayor is absent through illness or other cause.
 - (b) The Alderman appointed as Acting Mayor shall be appointed at the last regular monthly meeting of Council and shall hold office for the next succeeding month.
 - (c) Where the Alderman appointed as Acting Mayor is unable to act because he is absent from the City of Hamilton or is absent through illness or other cause, and unless the Council otherwise appoints, the Alderman present who last served as Acting Mayor shall act as Mayor for the month or part thereof in place and stead of the absent Alderman.
 - (d) An Alderman acting as Mayor under this section shall exercise all the rights and powers and authority of the head of Council.

PART II**COUNCIL MEETINGS**

3.
 - (a) The Regular Meetings of City Council shall, unless otherwise ordered and except as provided in subsection 2, be held at the City Hall on the second and last Tuesday of every month at seven-thirty o'clock p.m., except for the months of June, July, August, September and December when one meeting only shall be held in each of the months.
 - (b) In the event a Regular Meeting falls on a public holiday, the meeting shall be at the same hour on the next following day not being a public holiday or on any other day as determined by the Council.
 - (c) A Special Meeting required for special business shall be called by the Mayor or at the request of any nine Aldermen, at such time and place as the Mayor or the Aldermen determine.
 - (d) Where a Special Meeting is called, the City Clerk shall summon the meeting by written notice delivered to each member of Council setting out the time, place of the Special Meeting and the purpose of the meeting, at least 24 hours before the meeting.
 - (e) No matter shall be considered or discussed at a Special Meeting unless the matter is disclosed in the notice calling the meeting.
 - (f) The Clerk or his/her designate shall be in attendance at all times in order to constitute a legal Council meeting.

SEATING

4. (a) Subject to subsections (b) and (c) the Members of Council shall take their seats to the left of the Mayor's chair commencing with the Aldermen representing Ward 1 to 8 in consecutive order.
- (b) For each Ward, the Alderman receiving the greater number of votes shall sit on the right of his or her fellow Alderman representing the same Ward.
- (c) Aldermen may exchange seats within a ward, by mutual consent.

QUORUM

5. (a) A quorum shall consist of nine members of Council assembled for a meeting of City Council.
 - (b) Immediately after the hour fixed for a Council or Committee meeting and a quorum is present, the Mayor or Chairperson shall take the chair and call the meeting to order.
6. If, within thirty minutes of the time called for the meeting, there is no quorum, the Clerk shall record those members present and the meeting shall stand adjourned until the next Regular Meeting unless a Special Meeting is called before a Regular Meeting.

CHAIRPERSON

7. (a) The Mayor shall be Chairperson of the Council.
- (b) Where the Mayor is not in attendance at a meeting of Council, the Acting Mayor as appointed shall preside until the arrival of the Mayor.
- (c) The Council shall appoint on a quarterly basis, an Alderman to serve as Chairperson of the Committee of the Whole.
- (d) When Council moves to Committee of the Whole, the Chair shall be assumed by the Alderman appointed to serve as Chairperson of the Committee of the Whole for that quarter.
- (e) When the Alderman appointed to serve as Chairperson of the Committee of the Whole is absent, the Alderman who last served as Chairperson of the Committee of the Whole shall preside.

ORDER OF BUSINESS

8. The business of the Council shall be taken up in the following order:
 - (a) National Anthem & Prayer
 - (b) Minutes
 - (c) Petitions and Correspondence
 - (d) The referral of Petitions and Correspondence
 - (e) Reports of the Standing Committees in the order stated in Section 32(1), hereof followed by the Mayor's Report, Licensing Committee, Hamilton-Scourge and Nominating Committees and Committee of the Whole.
 - (f) Bills
 - (g) Notices of Motion
 - (h) Question Period
 - (i) Adjournment

PROCEDURE AT MEETINGS OF COUNCIL

9. No business, other than the business referred to in Section 8, shall be considered at a meeting of City Council unless City Council by a majority vote of the members present at the meeting deems it is in the best interest of the City to deal with any matter.
10.
 - (a) Every motion or resolution shall be in writing.
 - (b) No member of Council other than the mover of a motion shall make introductory remarks on the motion.
 - (c) Except as provided in subsection 2, no member of Council shall have the right to speak on a motion or resolution until after the motion or resolution has been duly moved and seconded.
11. After a motion or resolution has been duly moved and seconded, it shall be deemed to be in possession of the Council, but it may be withdrawn at any time with the approval of the majority of the Council.
12. Where a motion or resolution is under consideration, no motion or resolution shall be received except a motion or resolution having precedence in the following order:
 - (a) To adjourn (Not Debatable)
 - (b) To table (Debatable)
 - (c) To put the question (Debatable)
 - (d) To refer (Debatable)
 - (e) To amend (Debatable)
13. The previous question, until it is decided, shall preclude any further debate on the main question or any amendments on the floor. If this motion is resolved in the affirmative the main question shall be put forthwith or if any amendment was on the floor at the time the previous question was moved, the Chair shall call for a vote on the amendment, followed immediately, without further debate, by a vote on the main question.
14.
 - (a) A motion to adjourn the Council shall always be in order and need not be in writing.
 - (b) The motion to adjourn shall be decided upon without debate.
 - (c) No second motion to adjourn the meeting of City Council shall be made until after some intermediate proceeding shall have taken place.
15.
 - (a) Where a member proposes to speak on a matter the member shall,
 - (i) rise from the allocated seat; and
 - (ii) address the Mayor or Chairperson; and
 - (iii) confine any comments or observations to the question or matter under discussion; and,
 - (iv) avoid any reference to personality or personal remarks.
 - (b) Where two or more members rise to speak, the Mayor or Chairperson shall determine the order in which a member is entitled to speak.
16. The Mayor or the Chairperson shall expel any person for improper conduct at a meeting.

17. When a question is put, no member of Council shall walk out of or across the floor of the Council Chambers or any other place where a meeting of City Council is held, until the vote is decided.
18. Each member present at the meeting of Council shall vote when a vote is taken unless otherwise prohibited by law and failure to vote by a member who is not disqualified shall be deemed to be a negative vote.
19. Whenever a recorded vote is requested by any member of the Council, on any matter, the vote shall be conducted by the Chairperson calling for those members voting in the affirmative to stand and be recorded by the City Clerk and then those members voting in the negative to stand and be recorded.
20. During a debate no person shall speak more than five minutes on any motion or resolution unless granted a specific time extension.
21. No member of Council may interrupt any other member who has the floor.
22. Any member of the Council may as of right require the question, motion or resolution under discussion to be read for the member's information at any time in a debate, but not so as to interrupt a member speaking.
23. During meetings of Council, unless permission is given by the Mayor or Council, all persons excepting members of the Council and City Clerk's Staff shall be excluded from the floor of the Council Chamber.
24. Every proposed By-law must be introduced by a motion or by a report of a Committee, specifying the title of the By-law, and shall be decided without debate.
25. Any member of Council initiating the establishment of a Special Committee for any purpose shall automatically be a member of that Committee.
26. Any amounts to be expended, other than those for which funding has been appropriated by Council and expenditures in accordance with Council policies and procedures, shall be referred to the Finance and Administration Committee for recommendation to Council for funding prior to being acted upon. (The issue shall be referred to Council concurrently with the funding recommendation from the Finance and Administration Committee).
27. After any matter has been decided, any member who voted in the majority may, at the same or at a subsequent meeting, move for a reconsideration thereof, but no discussion of the matter shall be allowed unless the motion for reconsideration is approved.
28. Section 27 shall not apply to any matter re-submitted by a Standing Committee who submitted the question initially.
29. Where notice of meeting has been given by a member, it shall be printed in the agenda of the next subsequent meeting of Council and when a member's notice of motion has been called from the Chair at three successive meetings and not proceeded with by the mover, it shall be deemed to have been withdrawn.
30. Any one or more of these rules may be at any time temporarily suspended, with the consent of a majority of the members present.
31. Any points of order or procedure not provided for in the preceding rules shall be decided in accordance with the Bourinot's Rules of Order, and if not in Bourinot's Rules of order, then in accordance with the established practice of City Council.

PART III

COMMITTEES

32. (a) There shall be appointed, at the first meeting of the newly elected Council, the following Committees, which shall be the Standing Committees of the Council:
- (i) Transport and Environment Committee
 - (ii) Parks and Recreation Committee
 - (iii) Planning and Development Committee
 - (iv) Finance and Administration Committee
- (b) Each Standing Committee shall consist of the Mayor and one Alderman from each of the eight wards.
- (c) The Council shall fix the day and hour for the regular meetings of its Standing Committees.
33. (a) The Nominating Committee shall consist of all members of Council and shall be chaired by the Mayor.
- (b) Notwithstanding Section 32(c), the Committee shall meet at the call of the Chair.
34. Meetings of Committees shall be called by the City Clerk on request of the Chairperson or, in the absence of the Chairperson, on request of the Vice-Chairperson or, in the absence of the Vice-Chairperson, upon request of the Mayor with 24 hours notice.

CONDUCT OF BUSINESS IN COMMITTEES

35. The business of the Standing and Special Committees shall be conducted as follows:
- (a) The Chairperson, or in the absence of the Chairperson, the Vice-Chairperson, shall preside and shall have a vote on all questions submitted, and in case of an equal division the question shall be decided in the negative.
 - (b) In the absence of the Chairperson and the Vice-Chairperson, one of the other members shall be elected to preside, and shall discharge the duties of the Chairperson during the meeting, or until the arrival of the Chairperson or Vice-Chairperson at such meeting. Where there is no chairperson or vice chairperson, an acting chairperson shall be appointed by the members present.
 - (c) A quorum shall consist of the number of members of the Committee required to make a simple majority of the total membership of the Committee. The Mayor, as ex-officio member of all sub-committees, special committees and ad-hoc committees is not counted in the quorum.
 - (d) The minutes of every Committee shall be signed by the Chairperson and Secretary and entered in a book provided for that purpose.
 - (e) The Rules of Order of the Council while in Committee of the Whole shall, as far as practicable, be observed by the Standing and Special Committees.

GENERAL DUTIES OF COMMITTEES

36. The general duties of the Standing and Special Committees shall be as follows:
- (a) To report to the Council from time to time, as often as the interest of the City may require, all matters connected with the duties imposed on them respectively, and to recommend such action by the Council in relation thereto as may be deemed necessary or expedient, but no Committee shall deal with any matter outside municipal jurisdiction.

- (b) A Standing Committee shall only report positive recommendations to Council except when otherwise required by statute or when expressly desired by the Committee to send a negative recommendation to Council.
 - (c) To recommend to Council the implementation of all projects and programs under its mandate for which monies have been provided in the current or capital budget as approved by Council.
 - (d) To report to the Finance and Administration Committee with regard to any deviations to the current or capital budget.
37. (a) Committees may establish and appoint members to a Sub-Committee to deal with special or specific matters that come under the terms of reference of the Committee. The term of the Sub-Committee so appointed shall be at the pleasure of the particular Standing Committee and shall be responsible to that Standing Committee.
- (b) Any member of a Standing Committee proposing a Sub-Committee shall forthwith become a member of the Sub-Committee.
38. Every City Department on which a Standing Committee is required to report to Council shall report to the Committee and may make such recommendations to the Committee as are necessary or expedient for consideration of the Committee.
39. Every committee of Council named in Section 32(1) shall hear interested parties or afford them an opportunity to be heard in place and stead of Council, provided that a written submission is received by the Committee Secretary at least seventy-two hours prior to the scheduled time of the meeting of the Committee, stating the subject upon which it is desired to make representations and the group or organization, if any, upon whose behalf the representations will be made.

STANDING COMMITTEES OF COUNCIL

TRANSPORT AND ENVIRONMENT COMMITTEE

40. In addition to any other duties prescribed under this and any other by-law of the Corporation, the duties of the Transport and Environment Committee shall be:

To report and/or recommend to City Council on all matters pertaining to public streets, traffic control, Public Works, City Engineering, Harbour matters, pollution control, energy conservation, lighting, surface, drainage, weed control, maintenance of public spaces, City vehicles, and City owned or operated buildings under the purview of the committee and any legislation which may affect these matters.

PARKS AND RECREATION

41. In addition to any other duties prescribed under this and any other by-law of the Corporation, the duties of the Parks and Recreation Committee shall be:

To report and/or recommend to City Council on all matters pertaining to the provision of leisure services as they relate to parks, recreation, arts and culture, museums and historical resources including the provision of cemetery services, the promotion of the beautification of lawns and gardens of private properties, the construction and operation of City-owned or operated buildings under its jurisdiction, the maintenance of park lands and cemeteries and the joint community use of facilities for parks and recreation purposes by the City and the Boards of Education.

PLANNING AND DEVELOPMENT COMMITTEE

42. In addition to any other duties prescribed under this and any other by-law of the Corporation the duties of the Planning and Development Committee shall be:

To report and/or recommend to City Council on all matters relating to new developments in Lloyd D. Jackson Square, all matters pertaining to the use of land, the physical development of the City of Hamilton, and all matters under the Planning Act, as amended and any other Act that may affect land use planning and the local planning functions. The Planning and Development Committee has been delegated authority to hold public hearings regarding zoning in the place and stead of Council and also to make decisions regarding site plan control.

FINANCE AND ADMINISTRATION COMMITTEE

43. In addition to any other duties prescribed under this and any other by-law of the Corporation, the duties of the Finance and Administration Committee shall be:

- (a) Finance - To report and/or recommend to City Council on the proposed expenditures and revenues for the City of Hamilton, the Hamilton Public Library Board, The Hamilton Entertainment and Convention Facilities Inc. and the City of Hamilton Parking Authority including all aspects relating to the Capital Budget Programme and has power to report to Council on the financial requirements of the Boards of Education and The Regional Municipality of Hamilton-Wentworth.
- (b) Personnel - To report and/or recommend to City Council on all matters relating to City Personnel including the establishment and classification of positions, appointments, dismissals, labour negotiations and grievances, policies related to salaries, wage rates and employee benefits.
- (c) Legislation - To report and/or recommend to City Council on all matters for which it may be necessary for the Corporation to seek legislation, not directly related to other Committees, make recommendations pertaining to civic hospitality and awards, consider and recommend to City Council on matters relating to licensing (with the exception of the issuance or denial of a licence), the Hamilton Farmers Market, consider and report on all matters relating to the C.A.O., City Clerk's, Treasury, Property, Law, Fire and Human Resources Departments, and City Boards and Commissions.
- (d) General - To report and/or recommend to City Council on all matters not delegated to other standing committees.

NOMINATING COMMITTEE

44. (a) In addition to any other duties prescribed under this and any other by-law of the Corporation, the duties of the Nominating Committee shall be to recommend to Council:
- (i) the appointment of the Chairperson, Vice-Chairperson and the members of Council to the Standing Committees and any Special Committees of the Council.
 - (ii) the appointment of the Aldermen to Standing Committees. The Aldermen in each Ward shall select alternately from a list of Committees commencing with the Aldermen who received the most votes in their respective Ward.
 - (iii) the appointment of members of Council to local boards to which Council may appoint or is required to appoint members.

- (iv) no member of Council, except the Mayor, shall serve on or represent Council on more than a total of three Special Committees, Local Boards, Commissions or Corporations.
 - (v) the appointment of citizens to special committees of Council, authorities and local boards, to which Council may appoint or is required to appoint citizen members.
- (b) For the purpose of this section, "**local board**" has the same meaning as in The Municipal Affairs Act, as amended.

PART IV

ACCESS TO INFORMATION AND MEETINGS

45. The release of information held by the municipality shall be governed by the provisions of The Municipal Freedom of Information and Protection of Privacy Act.
46. (a) Meetings of standing committees and committees shall be open to the public and no person shall be excluded therefrom except for improper conduct or if the subject matter being considered is:
- (i) the security of the property of the City of Hamilton or a local Board;
 - (ii) personal matters about an identifiable individual, including municipal or local board employees;
 - (iii) a proposed or pending acquisition of land for municipal or local board purposes;
 - (iv) labour relations or employee negotiations;
 - (v) litigation or potential litigation, including matters before administrative tribunals, affecting the City of Hamilton or local board;
 - (vi) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - (vii) a matter in respect of which a council or committee has authorized a meeting to be closed under another Act.
 - (viii) the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act, if the Council or Committee or Board is designated as head of the institution for the purposes of the Act.
- (b) Prior to holding a meeting, or part of a meeting that is closed to the public, the Council or Committee shall state by resolution:
- (i) the fact of the holding of the closed meeting, and
 - (ii) the general nature of the matter to be considered at the closed meeting.
- (c) A meeting shall not be closed to the public during the taking of a vote.
- (d) Despite subsection (c) and Section 61 (2) of the Municipal Act, a meeting may be closed to the public during a vote if,

47. By-law No. 82-203 and all amendments thereto are hereby repealed.
48. The short title of this By-law is "**The Procedural By-law**".

63

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO.95-

TO AUTHORIZE AN EXTENSION AGREEMENT

FOR PAYMENT OF REALTY TAX ARREARS

WHEREAS the Municipal Tax Sales Act, R.S.O. 1990, c.M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

AND WHEREAS the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

AND WHEREAS, pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

AND WHEREAS, the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

AND WHEREAS, The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

AND WHEREAS the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date of Schedule "A" attached hereto.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.

(b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and City Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.
2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

(a) that the Extension Agreement does not reduce the amount of the Cancellation Price.

(b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.

(c) that any person may pay the Cancellation Price at any time.

(d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.

(e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement.

3. As also provided in the Municipal Tax Sales Act,

(a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.

(b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

PASSED this

day of

1995, A.D.,

CITY CLERK

MAYOR

SCHEDULE "A"
EXTENSION AGREEMENTS

A)	PROPERTY ADDRESS	000 RYMAL ROAD EAST
	SERIAL NUMBER	07 08510 0490
	BRIEF LEGAL DESCRIPTION	CON 8 PART LOT 11 BTN HAM
	DATE OF REGISTRATION	OCTOBER 25, 1994
	INST # OF TAX ARREARS CERTIFICATE	LT 373236
	REDEMPTION DATE	OCTOBER 25, 1995
	TOTAL ARREARS	\$143,590.95
B)	PROPERTY ADDRESS	46 WEST 21ST STREET
	SERIAL NUMBER	08 10130 4730
	BRIEF LEGAL DESCRIPTION	PLAN 842 PART LOT 317 & 318
	DATE OF REGISTRATION	OCTOBER 25, 1994
	INST # OF TAX ARREARS CERTIFICATE	196910
	REDEMPTION DATE	OCTOBER 25, 1995
	TOTAL ARREARS	\$17,901.49
C)	PROPERTY ADDRESS	507 UPPER SHERMAN
	SERIAL NUMBER	06 06250 0490
	BRIEF LEGAL DESCRIPTION	PLAN 561 PART LOT 16 LOT 17
	DATE OF REGISTRATION	OCTOBER 25, 1994
	INST # OF TAX ARREARS CERTIFICATE	196911
	REDEMPTION DATE	OCTOBER 25, 1995
	TOTAL ARREARS	\$17,909.34
D)	PROPERTY ADDRESS	437 RENNIE
	SERIAL NUMBER	05 04010 2280
	BRIEF LEGAL DESCRIPTION	REG COMP PLAN 1393 LOT 38
	DATE OF REGISTRATION	OCTOBER 25, 1994
	INST # OF TAX ARREARS CERTIFICATE	196912
	REDEMPTION DATE	OCTOBER 25, 1995
	TOTAL ARREARS	\$52,113.43
E)	PROPERTY ADDRESS	467 CHARLTON EAST
	SERIAL NUMBER	03 02010 4110
	BRIEF LEGAL DESCRIPTION	CON 3 PART LOT 3 BTN HAM
	DATE OF REGISTRATION	OCTOBER 6, 1994
	INST # OF TAX ARREARS CERTIFICATE	195695
	REDEMPTION DATE	OCTOBER 6, 1995
	TOTAL ARREARS	\$170,798.65
F)	PROPERTY ADDRESS	73 EAST 35TH
	SERIAL NUMBER	06 06230 1330
	BRIEF LEGAL DESCRIPTION	PLAN 507 LOT 233
	DATE OF REGISTRATION	NOVEMBER 25, 1994
	INST # OF TAX ARREARS CERTIFICATE	199459
	REDEMPTION DATE	NOVEMBER 25, 1995
	TOTAL ARREARS	\$8,113.76

The Corporation of the City of Hamilton

BY-LAW NO. 95-

Respecting:

APPOINTMENT OF AN EXTERNAL AUDITOR

WHEREAS Section 86(1) of the Municipal Act, R.S.O. 1990, Chapter M.45, authorizes City Council to appoint one or more auditors who are licensed under the Public Accountancy Act for a term of five years or less;

AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting Item 6 of the 18th Report of the Finance Committee on October 8, 1991 appointed the firm of MacGillivray Partners as the City of Hamilton's external auditor;

AND WHEREAS the Council of The Corporation of the City of Hamilton on , in adopting Item of the Report of the Finance and Administration Committee appointed the firm of MacGillivray Partners as the City of Hamilton's external auditor for the year ending December 31, 1995;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. The firm of MacGillivray Partners is appointed as The Corporation of the City of Hamilton's external auditor until December 31, 1995.
2. The firm of MacGillivray Partners shall also complete the 1995 Financial Report for The Corporation of the City of Hamilton.
3. The duties of the auditor shall include auditing the accounts and transactions of The Corporation of the City of Hamilton, every local board of The Corporation of the City of Hamilton, as defined by the Municipal Affairs Act, the Hamilton Entertainment and Convention Facilities Incorporated, the Hamilton Hydro Electric System, and all of the Boards of Management for the Business Improvement Areas within the City of Hamilton.
4. The fee payable to the auditor shall be \$104,070 excluding G.S.T. for 1995. The fee shall be reduced if the hours actually spent are less than anticipated by the City and the auditor. All disbursements are included as part of the regular fee.

PASSED this day of , 1995.

City Clerk

Mayor

SCHEDULE 16

REFRESHMENT VEHICLES

1. (a) In this Schedule, "refreshment vehicle" means a vehicle from which refreshments are sold for consumption by the public.

(b) For the purposes of description and regulation, the types of vehicles are named as follows:

(i) "refreshment cart", means a wheeled, non-motorized refreshment vehicle, other than a refreshment cycle;

(ii) "refreshment cycle", means a non-motorized bicycle or tricycle;

(iii) "motorized refreshment vehicle"; and

(iv) "ice cream vehicle", which means one of the above types of vehicles from which the food sold is or includes ice cream, frozen desserts or other frozen confections.

Licence and Applications

2. No person, without being licensed under this by-law to do so, shall in the City of Hamilton engage in or carry on the business of selling, from a vehicle, refreshments for consumption by the public.

3. A person applying for a refreshment vehicle license shall supply with the application:

(a) A list of the types of refreshments to be sold, specifying whether the items include ice cream, frozen desserts or other frozen confections;

(b) Particulars of the type of vehicle, including the serial number, and in the case of a motorized refreshment vehicle, the particulars required by subsection 3(6) of this by-law and a valid and current Safety Standards Certificate as issued by the Ministry of Transportation for the vehicle;

(c) Name and address of business under which the refreshment vehicle or vehicles will be operated;

(d) And shall submit the vehicle to be licensed for inspections and reports by a Licence Inspector and a Health Inspector, the results of which may be used in considering the application.

4. No person shall engage in or carry on the business of selling, from a vehicle, refreshments for consumption by the public, unless a separate licence has been obtained for each vehicle so used.

5. (1) To be licensed, and to continue to be licensed for use, a refreshment vehicle shall be equipped and maintained as follows:

(a) with a clean compartment for the storage of food, and in the case of an ice cream vehicle, the compartment shall be refrigerated; and

(b) with a suitable refuse container.

(2) No person shall carry on or engage in the business of selling refreshments for public consumption from a refreshment vehicle, unless the refreshment vehicle is equipped and in the condition required in (1).

(3) To be licensed, and to continue to be licensed for use, an ice cream vehicle shall additionally be equipped and maintained as follows:

(a) with the warning "WATCH FOR CHILDREN", in readily legible black letters at least six inches high on a yellow background, conspicuously displayed on the rear of the vehicle;

(b) with a minimum of two amber lights on top, so placed as to be readily visible by a person five feet in height standing four feet in front of or behind the vehicle, and equipped with a device to keep the lights flashing while the vehicle is stopped for the sale of refreshments; and

(c) that the vehicle's rear bumper shall have an angled cover on top designed and placed so as to prevent a child from standing or sitting on top.

(4) No person shall carry on or engage in the business of selling refreshments for public consumption from an ice cream vehicle, unless the vehicle is additionally equipped and in the condition required in (3).

Regulations and Prohibitions

6. (1) In this section and section 8, "eating establishment" means a building or premises where food is prepared and offered for sale to the public, to be consumed either therein or elsewhere.

(2) A person, being the owner or operator of a licensed eating establishment, and being licensed under this by-law for a refreshment vehicle, may operate the refreshment vehicle on the premises of the eating establishment without having to comply with paragraph 8(1)(c)(ii) by being a certain distance from an eating

establishment, and without requiring the written permission of other eating establishments as provided in this section.

(3) Subject to (2), a person carrying on or engaging in the business of selling refreshments for public consumption from a refreshment vehicle, shall obtain:

(a) in the case of a refreshment vehicle being operated on private property, the prior written permission of the property owner,

(b) in the case of a refreshment vehicle being operated in public park, the prior written approval of the City, or

(c) in the case of a refreshment vehicle being operated within 100 yards of an eating establishment, the prior written approval of the owner of the eating establishment.

(4) A person carrying on or engaging in the business of selling refreshments for public consumption from a refreshment vehicle, shall provide the written approval or permission required under (3) to a licence inspector, by-law enforcement officer or police officer upon request.

(5) A person who has obtained the approval or permission required under (3), may operate from respectively, the private property or park, or within 100 yards of the eating establishment, notwithstanding paragraph 8(1)(c)(ii) of this schedule.

7. Every person engaging in or carrying on a business for which a licence is required under this schedule, shall be responsible:

(a) that the Chief Licence Inspector and the Chief Constable are notified in writing within six days of any change of address of the licensee or business;

(b) that no refreshment vehicle is used excepting those which are licensed under this by-law;

(c) that no such vehicle is used when not in safe operating condition;

(d) that no such vehicle is used for business without having affixed to the right hand side thereof, in a position in which it may most readily be seen, the City's current licence plate, and having no other licence number showing except the current provincial licence number or numbers; and

(e) that no motorized refreshment vehicle is driven by any person not currently holding a valid provincial driver's licence.

8. (1) A person operating a refreshment vehicle or engaging in the selling of refreshments from a refreshment vehicle shall comply with the following:

(a) Check each day, prior to use of the refreshment vehicle, that the vehicle is safe for operation, and shall not operate the vehicle unless it is, and is maintained, in safe operating condition;

(b) That there is no crying of wares, sounding of any chimes or use other audible means of recognition while the vehicle is in motion, or for more than five seconds at intervals of not less than five minutes, or in any residential area after eight o'clock in the evening or before eight in the morning;

(c) The vehicle shall not stop for the sale of any products:

(i) within 5 feet of an intersection;

(ii) subject to section 6, within 100 metres of any eating establishment, school ground, recreation ground, playground or public park;

(iii) for more than ten minutes at any one location on a residential street; or

(iv) without being properly parked;

(d) There shall be no service of any customer who is standing in the roadway;

(e) That all children and customers are safely away from the vehicle before putting it in motion;

(f) There shall not be any unnecessary washing or repairing of a vehicle in a street, alley or other public place; and

(g) At all times while the vehicle is stopped for the sale of food, the lights required by section 5 shall be flashing.

(2) A licence holder under this by-law shall not cause or permit the operation of the licensed vehicle or vehicles, contrary to (1).

9. (1) Subject to subsection (2), no person shall sell refreshments or confections as provided in paragraph 3 of section 234 of the Municipal Act, R.S.O. 1990, c. M-45, from a basket, wagon, cart or other vehicle upon paved portion of the highway maintained for the passage of motor vehicles, which does not include the side walk or boulevard, if the highway is a designated snow route.

(2) This section does not apply to a farmer, market gardener or other person selling or delivering goods at any place of business or residence upon such highway or part thereof.

10. The licence fee is provided for in section 16 of Schedule 45 of this by-law.

11. In addition to non-compliance with this by-law or other laws, the failure to comply with the Highway Traffic Act, R.S.O. 1990, c. H-8, or regulations under the Act, by a person while operating a refreshment vehicle, shall be grounds for the Licence Committee or City Council to consider suspension, revocation or the adding of conditions to the licence.

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend:

Licensing By-law No. 93-069

Respecting:

EATING ESTABLISHMENTS

WHEREAS eating establishments are licensed, regulated and governed by Schedule 8 to Licensing By-law No. 93-069 as amended;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 21 of the 7th Report of the Finance and Administration Committee, at its meeting held on the 27th day of June, 1995, directed that Schedule 8 of By-law No. 93-069 be further amended to provide classification for take out restaurants and removing the requirement for public hall licensing where dancing or entertainment is provided incidental to the eating establishment;

AND WHEREAS Council intends the licence fee for take out licences be \$20.00;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule 8 to Licensing By-law No. 93-069, is repealed and replaced with Schedule "A" , which is attached to and forms a part of this by-law.

2. Section 8, of Schedule 45 to By-law 93-069 is amended by adding the following, after subsection 8(d) as subsection 8(e) :

"(e) For a take out restaurant, \$20.00."

3. In all other respects By-law No. 93-069 as amended, is hereby confirmed without change.

PASSED this day of A.D. 1995.

City Clerk

Mayor

Schedule "A" to By-law 95- respecting Eating Establishments

SCHEDULE 8

EATING ESTABLISHMENTS

Interpretation

1. In this Schedule,

(a) "eating establishment" means an eating establishment for which a licence may be required by by-law pursuant to the provisions of the paragraph 5 of section 234 of the Municipal Act, R.S.O. 1990 c. M-45, and includes,

(i) "restaurant", which means an eating establishment where food is prepared on the premises and which has seating accommodation for more than fifteen persons;

(ii) "lunch counter", which means an eating establishment which has seating accommodation for not more than fifteen persons;

(iii) "refreshment stand", which means an eating establishment where only food already prepared for immediate consumption by the public without cooking, is served;

(iv) "drive-in restaurant", which means any eating establishment where carry-out service to patrons in motor vehicles is provided; and

(v) "restaurant, take out", means an eating establishment where food is prepared and offered for sale to be consumed elsewhere, and which does not provide seating accommodation.

Licence Required

2. No person shall, in the City of Hamilton, carry on any business of an eating establishment, without a licence under this by-law, entitling the person so to do.

Provided that the keeper of a hotel, within the meaning of section 216 of the Municipal Act, R.S.O. 1990 c. M-45, shall not be required to hold an eating establishment licence to provide non-intoxicating drinks and beverages, or conduct an eating establishment, in that behalf.

Duties Of Operator

3. Every person carrying on the business of an eating establishment shall be responsible,

(a) Condition of the Premises: That the premises are kept clean and orderly and maintained in all respects reasonably suitable for the purpose for which they are used, and kept suitably lighted and ventilated.

(b) (Repealed)

(c) (Repealed)

4. The licence fees are provided in section 8 of Schedule 45 of this by-law.

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To replace By-law No. 93-069 for licensing, regulating and governing of stores in which adult videos are provided.

WHEREAS the Corporation of the City of Hamilton has the power to pass by-laws for licensing, regulating, governing, classifying and inspecting Adult Entertainment Parlours, to define the areas in which Adult Entertainment Parlours of any class may operate, and to limit the number of licences available;

AND WHEREAS By-law 93-069 provided for licensing of a class of adult video store and regulating of other stores providing adult videos;

AND WHEREAS Council directed the amendment of By-law 93-069 to licence all stores selling adult videos and other improvements to the regulations to prevent access by minors to adult materials in such stores, to delete two locations from areas where a class of adult video store is permitted, and to provide for a hearing to deny a licence;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

DEFINITIONS

1. In this by-law:

- (1) "adult video", subject to (2) means a video the content of which appeals to or is designed to appeal to erotic or sexual appetites or inclinations through the portrayal or depiction of:
 - (a) one or more of the specified body areas of any person, or
 - (b) one or more of the specified sexual activities;
- (2) In the absence of evidence to the contrary, a video classified by the Ontario Film Board as "restricted", with the added information piece "adult sex film" shall be deemed to be an adult video, while a video without such classification and information piece shall be deemed not to be an adult video;
- (3) "adult videotape area" means an identifiable part of any premises, which part is used for the provision of adult videos, or the display of adult videos or containers for videos depicting the specified sexual activities or specified body areas;
- (4) "Class A adult video store" means any premises:
 - (a) used for the carrying on of the business of the provision of adult videos;
 - (b) in which adult videos are provided in the pursuance of a business and to which premises entry by persons under the age of 18 years is prohibited, or in respect of which premises it is advertised or notice is given that such entry is prohibited; or
 - (c) in which adult videos are provided in the pursuance of a business and in respect of which it is advertised, or notice is given either by signs or other advertising devices on or in the premises, or

otherwise, that the premises are an "adult video store", an "adult videotape store", an "adult video rental store", or are otherwise described by words of like meaning;

- (d) And for certainty includes premises in which adult videos are provided in the pursuance of a business, where the number of adult videos available from the premises exceeds five hundred, or where the number of adult videos available from the premises is more than twenty percent of the videos available from the premises which are not adult videos, and does not include a Class B adult video store.
- (4a) "Class B adult video store" means any premises where the number of adult videos available from the premises does not exceed five hundred and where the number of adult videos available from the premises is not more than twenty percent of the videos available from the premises which are not adult videos.
- (5) "Corporation" means the Corporation of the City of Hamilton;
- (6) "Council" means the council of the Corporation;
- (7) "Licence Manager" means the manager of the Licensing Division or, in his or her absence, any person authorized to fulfil the responsibilities of the licence manager;
- (8) "Licensing Committee" means The Licensing Committee of the City of Hamilton established by Council to conduct hearings for licensing matters;
- (9) "Licensing Division" means the licensing division of the Clerk's Department of the Corporation, responsible for administration of this by-law;
- (10) "operator" includes a proprietor, or any other person who alone or with others, manages, supervises, runs or controls a video store;
- (11) "owner" means a person who alone or with others has a right to possess or occupy a video store or actually does possess or occupy a video store, and includes a lessee of premises used as a video store;
- (12) "sell" includes to rent, and "for sale" includes for rent;
- (13) "specified body areas" means any one or more of the following:
 - (a) in the case of a female person, her areolae; and
 - (b) in the case of all persons, the genitals and the anus;
- (14) "specified sexual activities" means any one or more of the following: actual or simulated sexual intercourse, masturbation, ejaculation, sodomy, bestiality, oral sexual intercourse, direct physical stimulation of unclothed genital organs, or flagellation or torture in the content of a sexual relationship or activity;
- (15) "to provide", when used in relation to any adult video, means to sell, by retail or otherwise, or to display or offer the sale, and "providing", "provided" and "provision" have corresponding meanings;
- (16) "video" includes cinematographic or motion picture film, videotape, video disc and any other medium from which may be produced visual images that may be viewed as moving pictures;

- (17) "video store" means any premises or part thereof in which videos are provided in the pursuance of a business, and includes an adult video store.

LICENCE REQUIREMENT

2. (1) Subject to section 3, every person being an owner or operator of a store, from which adult videos are provided, shall obtain and maintain in good standing a licence from the City under this by-law, authorizing the sale from the store of adult videos.
- (2) No person shall carry on or engage in the business of providing adult videos from any store, unless a license has first been obtained for that store under subsection (1), and the licence fee paid in full.
- (3) Where a person being the owner or operator of an adult video store, is licensed under this by-law, no employee of the store need obtain a separate licence.
3. (1) An owner or operator of a Class A adult video store shall obtain a Class A adult video store licence.
- (2) An owner or operator of a Class B adult video store shall obtain a Class B adult video store licence.

DEFINED AREAS AND LIMITATION ON NUMBERS OF CLASS A LICENCES

4. (1) Schedule 1 to this By-law, which Schedule is annexed to and forms a part of this by-law, describes certain areas of the City, which are districts provided for and described in City of Hamilton Zoning By-law 6593 as amended, which areas shall be deemed to define an area for the purposes of this section and that Schedule.
- (2) In respect of areas defined in Schedule 1 to this By-law, no Class A adult video store licence or licences may be granted except as permitted in that Schedule, or in a greater number than those specified in such Schedule.
- (3) No person shall operate a Class A adult video store in the City except in an area provided in Schedule 1 and as permitted under this By-law.

ADMINISTRATION

5. The Licensing Division shall:
- (a) receive and process all applications for licences and renewal of licences required under this By-law;
- (b) administer the issuance of licences in accordance with the provisions of this By-law;
- (c) maintain and keep records of all applications received and licences issued;
- (d) generally perform administrative functions incidental and necessary to the due administration and enforcement of this By-law.

APPLICATIONS FOR LICENCES

6. (1) Every person applying for a licence under this By-law shall file with the Licensing Division a duly completed application form provided by the Licensing Division, in which the applicant shall provide all information sought in such application form.

- (2) The applicant shall, at the time of the filing of the application form required under subsection (1), deliver to the Licensing Division the following:
 - (a) full payment of the licence fee, in the case of a Class A adult video store being \$2,000.00, and in the case of a Class B adult video store being \$150.00, which sums respectively are fixed for each licence and any renewal or transfer of such licences;
 - (b) if the applicant is a corporation, a copy of the incorporating document, a copy of the last information return filed for the corporation and any changes or corrections to the information contained;
 - (c) if the applicant is a registered partnership, a copy of the registered declaration of partnership and any changes or corrections to the information contained; and
 - (d) a copy of the registration of the trade name to be used for the store.
7. The applicant for a licence or renewal of a licence, subject to this by-law, shall provide at a minimum the following information as part of the application for a licence:
 - (a) the name and residence address of the applicant, or in the case of a corporation, those of the officers and directors, and in the case of a partnership, those of all partners;
 - (b) the address of the applicant and of the intended licensee, to which the Corporation or its Licensing Division may send or deliver any notice or other document required or authorized by law;
 - (c) the municipal address of the one building, premises or place from which business will be carried on and in respect of which a licence is sought;
 - (d) the name and address of the owner of any building, premises or place in which any such business is to be carried on;
 - (e) any trade or business description to be used;
 - (f) the telephone number of the business;
 - (g) a record of all offenses for which the applicant has been convicted, other than offenses relating to the operation of motor vehicles, under any by-law, provincial statute or federal statute in respect of the applicant, if the applicant is an individual, any of the partners, if the applicant is a partnership, or any of the directors and officers of a corporation, if the applicant is a corporation.
8.
 - (1) If the applicant is not an individual, the application form shall be completed and updated from time to time as this By-law requires, by an individual duly authorized by the applicant to execute such form on behalf of the applicant and binding upon it, and the individual completing such form shall sign the form, certifying the truth and completeness of the information provided therein.
 - (2) The provisions of this by-law relating to an application for a licence shall apply, with necessary modifications, to an application for the renewal of a licence or to amend a licence, except that where the applicant, in writing and prior to expiry of the licence being renewed, notifies the Licensing Division that the information on file with the Licensing Division has not

changed, the applicant shall not be required to complete a new application form or amendment thereto in respect of an application for renewal.

9. (1) Upon the receipt of an application form by the Licensing Division, the Licence Manager shall carry out such investigation or verification relating to the application as he or she may deem necessary for the purposes of the administration of this By-law and shall submit the material to the Licensing Committee with a recommendation to issue the licence, unless the investigation or any other information available to the Licence Manager discloses :
- (a) a reasonable ground to believe that the application is not in compliance with the By-law, or
 - (b) that the applicant may not be entitled to the issuance of a licence on the grounds referred to in this By-law or by reason of any other provision of this By-law or other applicable law.
- (2) If the investigation or any other information available to the Licence Manager discloses reasonable grounds to believe that the applicant may not be entitled to the issuance of a licence on grounds referred to in this By-law, or by reason of any other provision of this By-law or other applicable law, the Licence Manager shall cause notice of this fact and the reasons therefor to be served upon the applicant at the address for notices shown on the application form, and may refer the matter to the Licensing Committee for the holding of a hearing under this By-law.

APPROVAL, DENIAL, REVOCATION AND SUSPENSION OF LICENCES

10. Where the Licence Manager has referred an application to the Licensing Committee for a hearing pursuant to section 9 or section 12 of this By-law, the Licensing Committee may, after a hearing, or after an opportunity for a hearing has been given to the applicant:
- (a) grant the application in whole or in part and direct that the licence be issued, subject to compliance with this By-law;
 - (b) recommend that Council refuse in whole or in part to grant the application upon grounds contained in this By-law or otherwise by law;
 - (c) adjourn the application or make such other disposition as permitted by law.
11. An applicant for a licence who complies with the provisions of this By-law is, subject to the provisions of this By-law and section 109.1 of the Municipal Act, R.S.O. 1990, c. M-45, entitled to be issued a licence except where:
- (a) there are reasonable grounds for belief that any application form or other document provided to the Licensing Division by or on behalf of the applicant contains a false statement or provides false information; or
 - (b) the past or present conduct of the applicant, or of any partner, in the case of an applicant which is a partnership, or of any director, officer, agent or employee of a corporation, if the applicant is a corporation, affords reasonable grounds for belief that the business in respect of which the application is made will not be carried on in accordance with the law and with integrity and honesty; or
 - (c) there are reasonable grounds for belief that the carrying on of the said business will result in a breach of this By-law or any other law, including any applicable zoning requirement; or

- (d) there are reasonable grounds for belief that the application does not meet all the requirements of this By-law, or that the business is carried on or intended to be carried on in an area of the City where such business is prohibited by this By-law from being carried on, or in respect of which the issuing of a licence in respect of the business is not permitted by this By-law; or
 - (e) there are reasonable grounds for belief that the building, premises or place in which the business is carried on or intended to be carried on does not comply with the provisions of this By-law, or with any other law, including any applicable building requirements, or is dangerous or unsafe; or
 - (f) the conduct of the applicant or of one or more of the persons referred to in paragraph (b) of this subsection affords reasonable grounds for belief that the carrying on of the business in respect of which the licence is sought would infringe the rights, or endanger the health or safety, of one or more members of the public; or
 - (g) the fee payable in respect of the licence applied for has not been paid.
12. (1) The Licence Manager may, where he or she has reasonable grounds to believe that any one or more grounds exist upon which a licence could be revoked or suspended, the Licence Manager shall cause notice of this fact and the reasons therefor, with notice to the licensee of a right to a hearing, to be served upon the licensee at the address for notices shown on the application form, and may refer the matter to the Licensing Committee for the holding of a hearing in accordance with this By-law and other applicable law.
- (2) Where a matter has been referred to the Licensing Committee for a hearing under this section, and the applicant does not attend before the Licensing Committee at the time and place of which notice has been served upon such applicant in accordance with this By-law, the Licensing Committee may hold a hearing in the absence of the applicant without further notice to the applicant.
- (3) Pursuant to section 109.1, subsections (7), (8) and (9) of the Municipal Act, R.S.O. 1990, c. M-45, where the licensee has requested a review of conditions imposed on the licence provided such conditions have been in place no less than one year, or where Council has decided to review a decision made under this by-law, the Licensing Committee may hold the review in place of Council.
13. (1) Upon the conclusion of a hearing conducted by a Licensing Committee under this By-law, where a recommendation has been made to deny or revoke a licence, or suspend a licence with or without conditions, the Licensing Committee shall as soon as practicable make a written report to the Council, summarizing the evidence and arguments presented by the parties, the findings of fact made and the recommendations, if any, with reasons therefor on the merits of the application or matter in respect of which the hearing has been conducted.
- (2) After considering the report of the Licensing Committee provided under (1), Council may make any decision permitted under this By-law or section 109.1 of the Municipal Act, R.S.O. 1990, c. M-45, that might be made in respect of the hearing, without holding a further hearing or providing an opportunity for a further hearing to the applicant or licensee.
- (3) Council may suspend a licence with or without conditions, or deny or revoke a licence pursuant to section 109.1 of the Municipal Act, R.S.O. 1990, c. M-45, pursuant to section 11, or upon the grounds of non-

compliance by a licensee with this By-law or other applicable law, provided that no licence shall be revoked or suspended except after a hearing by the Licensing Committee appointed by by-law for the holding of one or more hearings, or after an opportunity for such a hearing has been afforded to the applicant or licensee in accordance with the law.

- (4) Council may notify the Liquor Licence Board of Ontario or any other licensing authority or other person, as it considers appropriate, of any action taken under this by-law.

TERMS OF LICENCES

14. Every licence issued under this By-law shall expire on December 31 of the year for which it is issued, unless sooner revoked or suspended.
15. A licence certificate issued under this By-law, and any form or document provided to a licensee or applicant for the insertion of information, is and shall remain the property of the Corporation, and shall be delivered forthwith to the Licensing Division upon the written or oral request of the Licence Manager.
16. A licence issued under this By-law:
 - (a) is personal to the licensee to which it was issued and may not be transferred by the licensee;
 - (b) is only authorization for the use of premises for which it was issued and as identified on the certificate, and may not be transferred by the licensee to a location different than the location for which it was issued, without the written approval of Council or the Licensing Committee that the transfer is in compliance with this by-law; and,
 - (c) is subject to the provisions of this by-law as may be enacted from time to time.
17. Where a licence has been revoked, the licensee is entitled to a refund of a part of the license fee proportionate to the unexpired part of the term for which it was granted.
18.
 - (1) Every licensee shall notify the Licensing Division in writing within four days after the event, of any change in any of the information contained in the application form.
 - (2) Where a change has occurred in the name or business name of a licensee the licensee shall attend within four days of the date of the change at the office of the Licensing Division, to have the licence and licence records amended accordingly.

NOTICE

19.
 - (1) A notice given pursuant to this by-law shall be served personally, or by registered mail sent to the person at the last address appearing in the records of the Licensing Division.
 - (2) Service by registered mail shall be deemed to be made on the third day on the date of mailing, unless the person on whom service is being made established that he or she did not, acting in good faith, through absence, accident, illness or other cause beyond his or her control, receive the notice or order until a later date.

REGULATIONS APPLICABLE TO ALL ADULT VIDEO STORES

20. Every licensee shall:

- (a) prominently display the licence at the premises licensed at all times and shall produce the licence upon request by the Licence Manager, any by-law enforcement officer and any police officer;
- (b) keep the premises in a clean and sanitary condition;
- (c) maintain on the premises, during all business hours, a current list of all adult videos available on the premises, including the rating applied to the film by the Ontario Film Review Board and whether the film has been approved by the Board with the requirement to have affixed the designation of "Adult Sex Film", and make the list available for inspection by the Licence Manager, any municipal by-law enforcement officer or any police officer, and in the case of a Class B adult video store, the list shall indicate the number of all videos available and the number of adult videos available;
- (d) advertise, promote and carry on such business only under the name in which the licence is issued, or such other business or trade name as provided to the Licensing Division in writing and added to such licence;
- (e) not permit viewing of adult videos on the premises.

REGULATIONS APPLICABLE TO CLASS A ADULT VIDEO STORES

- 21. (1) No owner or operator of a Class A adult video store shall permit any person under the age of eighteen years to enter or remain in such store.
- (2) No owner or operator of a Class A adult video store shall permit any employee to work in that part of the video store in which adult videos are provided, unless such employee is of the age of eighteen years or older.
- 22. (1) Every owner or operator of a Class A adult video store shall post and keep posted at every entrance to the video store, and in a prominent location inside such store, signs sufficient to indicate clearly to any person approaching or entering the store, and to every person in the store, that no person under the age of eighteen years is permitted to enter or remain in such store or any part thereof.
- (2) No owner or operator of a Class A adult video store shall use exterior signs or advertisements for the store which use a pictorial representation of a specified body areas or a specified sexual activity.

REGULATIONS APPLICABLE TO CLASS B ADULT VIDEO STORES

- 23. In this part, an adult video shall include the container of an adult video which appeals to or is designed to appeal to erotic or sexual appetites or inclinations through the portrayal or depiction of:
 - (a) one or more of the specified body areas of any person, or
 - (b) one or more of the specified sexual activities;
- 24. No owner or operator of a Class B adult video store shall permit any person under the age of eighteen years to enter or remain in any part of the video store where adult videos are displayed for sale.

25. (1) An owner or operator of a Class B adult video store shall designate an area of the video store as an adult videotape area, for the display area of all adult videos for sale from the premises, being an area identified and separated by the signs, doors or otherwise as required by (2), which area may be the whole or a portion of the premises.
- (2) An owner or operator of a Class B adult video store shall comply with the following regulations in respect of the adult videotape area designated under (1):
- (a) Subject to (d), signs shall be posted at every approach and entrance to the adult videotape area, indicating that no person under the age of 18 years old is permitted to enter or remain in the designated area;
 - (b) Adult videos shall be displayed only in the adult videotape area;
 - (c) Adult videos which reveal a specified body area or a specified sexual activity, shall be displayed so that they may not be viewed by any member of the public outside the adult videotape area;
 - (d) Where the whole store is designated as the area for the provision of adult video tapes, signs shall be posted at each public entrance to the store;
 - (e) Where less than the whole store is designated as the adult videotape area, the owner or operator shall ensure that:
 - (i) entrances to the designated area shall be equipped with a solid, opaque, self-closing, full length door; and
 - (ii) all adult videos or video covers and jackets, which display the specified body areas or specified sexual acts, being transported from the designated area to the cashier if outside the designated area, shall be enclosed in an opaque bag or other container, so that such pictorial content is not visible.
- (3) An owner or operator of a Class B adult video store providing adult videos shall be responsible for informing any employees of the video store of the boundaries of the adult videotape area designated under (1) and the requirement that persons under the age of 18 years old not be allowed to enter or remain in the area designated.
- (4) No owner or operator of a Class B adult video store shall permit a person under the age of eighteen years to enter or remain in the adult videotape area designated by the owner or operator under this section.

FINE

26. (1) Subject to (2), every person who contravenes this by-law, and every director or officer of a corporation who concurs in such contravention by the corporation is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000.00, or to imprisonment for a term not exceeding one year or to both, in addition to costs and other penalties provided in law.
- (2) Where a corporation is convicted of an offence under subsection (1), the maximum fine imposed on the corporation is \$50,000.00, exclusive of costs, and not as provided therein.

SEVERABILITY AND SAVING

27. Should a court of competent jurisdiction declare a part or the whole of any provision of this by-law to be invalid or of no force and effect, the provision or part is deemed severable from this by-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law.

SHORT TITLE

28. This by-law may be referred to as the "Adult Video Store By-law", and licences issued under this by-law may be referred to as "Adult Video Store Licences".

EFFECTIVE DATE

29. (1) Subject to (2), this by-law comes into force and effect on the date of enactment.
- (2) Notwithstanding the provisions of this by-law, an adult video store which is not licensed as a Class A adult video store on the date of enactment, but which exceeds the percentage or number of adult videos for a Class B adult video store as defined, shall be deemed to require a Class B adult video store licence, and shall have one year from the date of enactment of this by-law to comply with respect to the number and percentage of adult videos permitted for a Class B adult video store.
- (3) City of Hamilton By-law 93-069 is hereby repealed.

PASSED this day of A.D. 1995.

City Clerk

Mayor

SCHEDULE 1 TO BY-LAW NO. 95-

(Section 4)

1. (1) Subject to this by-law, that part of premises at each of the following municipal addresses in actual use as an adult video store as of February 23, 1993, is hereby defined as an area in which one adult video store is permitted to operate and eligible to be licensed as a Class A adult video store, for so long as such part of such premises continues to be lawfully used for such purposes, if the store is in compliance with all other applicable law :
 - (a) 212 John Street South, Hamilton,
 - (b) 8 Fennell Avenue West, Hamilton,
 - (c) 478 King Street East, Hamilton, and
 - (d) 128 Parkdale Avenue North, Hamilton.
- (2) The areas provided in subsection (1), shall be deemed to include that part of the premises in respect of which application was made, prior to February 24, 1993, for a building permit for alterations to enable the expansion of the existing Class A adult video store, provided that the building permit is granted.
2. In addition to the areas defined in section 1 of this Schedule and subject to this by-law, a Class A adult video store may be operated in a "J" District, "K" District, or "M-11" District as provided and described in City of Hamilton Zoning By-law 6593 as amended, provided however, that the Class A adult video store shall be located on a lot having a minimum radial separation distance of 500 metres from the lot line to the lot line of every lot in a residential district, as also provided and described in Zoning By-law 6593 as amended, and further subject to compliance with all applicable law including the enactment by the Council of all amendments to its zoning by-laws.
3. (1) Subject to (2), the total number of Class A adult video store licences to be granted under this by-law is 4.
- (2) The total number of Class A adult video store licences to be granted under this by-law shall be reduced from 4, as the licences expire without renewal by the licence holder or as the licences are otherwise surrendered or lawfully revoked, until the number of licences is reduced to 2.

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1995 September 21



**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

URBAN/MUNICIPAL

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A31

1995

Tuesday, 1995 September 26

7:30 o'clock p.m.

Council Chambers, City Hall

**J. J. Schatz
City Clerk**

AGENDA

1. National Anthem.

2. Opening Prayer:

*Father Charlie Galea
St. Lukes Roman Catholic Church*

3. Declaration of Office - Ward Five Alderman Elect

4. Presentations:

**(A) SALUTE to the "Geritol Follies" on
the occasion of their 20th Anniversary** **Christine Hamilton**

(B) GOLD MEDAL FOR SINGLES CHAMPION **Shannon Glover**
NATIONAL LEVEL OF THE FOUR STEPS
TO STARDOM 5 PIN BOWLING CHAMPION-
SHIPS IN ST. JOHNS, NEWFOUNDLAND

GOLD MEDAL - THE BANTAM GIRLS' **Shannon Godlewski**
TEAM, NATIONAL CHAMPIONSHIPS **Tara MacLeod**
IN ST. JOHNS, NEWFOUNDLAND **Amy Pye**
Kimberly Webb
Carly Welch

(C) HAMILTON BALLET YOUTH ENSEMBLE **Vitek Wincza, Artistic**
PRESENTATION TO MAYOR & COUNCIL **Director**
Dr. Eva Gede

Presentations - continued

**(D) CERTIFICATES OF RECOGNITION
CITY COMMITTEES/BOARDS**

***Michael Anderer,
Taxi Advisory Committee***

***Tyrone Childs
Advisory Committee on Equitable
R e p r e s e n t a t i o n o n
Committees/Boards & Commissions***

***Bill DeLisser
Mayor's Advisory Council Against
Racism and Discriminations***

***Irene Inglis
New Mum Show Sub-Committee***

***William Kosar
Hamilton Farmer's Market Sub-
Committee***

***Phil Leon
Mayor's Advisory Council Against
Racism & Discrimination***

***Glenn Mallory
Arts Advisory Sub-Committee***

***Wayne Marston
Business Land Use Advisory Board***

***Jeff Martin
Local Architectural Conservation
Advisory Committee***

***Verna Mote
New Mum Show Sub-Committee***

***Ryan Paquette
French Sub-Committee***

***Greg Peitchinis
Parks & Recreation Citizens' Advisory
Sub-Committee***

Presentations - continued

Santokh Pooni
Mayor's Committee Against Racism & Discrimination

Robert Rankin
Local Architectural Conservation Advisory Committee

Anna Sbrissa
Advisory Committee on Equitable Representation on Committees/Boards & Commissions

Sandra Wilson
Advisory Committee on Equitable Representation on Committees/Boards & Commissions

5. *Adoption of the minutes of the meetings held*

- (a) *1995 August 29 (regular meeting)***
- (b) *1995 September 19 (special meeting)***

6. *Correspondence\Petitions*

7. *Reports of the Standing Committees:*

- (a) *Transport and Environment Committee***
- (b) *Parks and Recreation Committee***
- (c) *Planning and Development Committee***
- (d) *Finance and Administration Committee***
- (e) *City of Hamilton Licensing Committee***
- (f) *Nominating Committee***

8. *Notices of Motion for next meeting.*

9. *Question Period.*

10. *Adjournment.*

MINUTES

Minutes of Hamilton City Council
Tuesday, 1995 August 29
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor Morrow.
Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Drury, Wilson, Copps,
Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross.

Mayor R. M. Morrow called the meeting to order.

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The National Anthem was played.

* * * * *

Reverend Barry Luxon, St. John, St. Andrew and St. David's Presbyterian Church led Council in prayer.

ADOPTION OF MINUTES

The minutes of the meeting held 1995 July 11 were adopted as circulated.

CORRESPONDENCE

1. Letter dated 1995 July 11 from Fred Loft, General Vice-President, Local 5, Canadian Union of Public Employees respecting the Gore Park Reconstruction and the use of City/Regional employees.

Referred to the Parks and Recreation Committee.

2. Letter dated 1995 August 21 from R. Scott Smith, Secretary to the Board of Commissioners, The Hamilton Harbour Commissioners respecting Amendments to Hamilton Harbour Cargo Rates Tariff By-Law.

Received.

3. Letter dated 1995 August 17 from John A. Parente, Agro, Zaffiro, Parente, Orzel & Baker respecting the Application of Dabber Bingo Holdings Inc. to Relocate an Existing Bingo Hall from 690 Main Street West to 67 Frid Street, Hamilton, Ontario.

Received.

4. Application dated 1995 August 18 from Ginfil Construction, Hamilton, Ontario for a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street Townhouse) District for lands located on the north side of Rymal Road West and approximately 85 metres east of Upper Paradise Road, Hamilton, Ontario.

Received.

5. Application dated 1995 August 18 from Edward Lorne Richter for a change in zoning from "C" (Urban Protected Residential, etc.) District (Block "1") and "AA" (Agricultural) District (Block "2") to "HH" (Restricted Community Shopping and Commercial) District for lands located at the rear of 1270 Upper James Street, Hamilton, Ontario.

Received.

6. Letter dated 1995 August 15 from Helen MacRae, Executive Director of Management Services and City Clerk for the City of Burlington respecting the proposed CN Rail relocation to Aldershot.

Referred to the Parks and Recreation Committee.

7. Letter dated 1995 August 25 from Bob Sutton, Recording Secretary, Hamilton and District Labour Council respecting the matter of privatization of garbage collection in the City of Hamilton.

Received.

8. Facsimile dated 1995 August 29 from Francis A. DeSantis, Agro, Zaffiro, Parente, Orzel and Baker respecting the Princess Bingo Transfer and the Dabber Bingo Holdings Inc. (Bingo Country) transfer applications.

Received.

9. Letter dated 1995 August 25 from Fred Loft, General Vice-President, Local 5, Canadian Union of Public Employees regarding the matter of privatization of garbage collection.

Received.

10. Letter dated 1995 August 25 from the Joint Executive Councils, CUPE Local 5 and CUPE Local 1041 regarding the matter of privatization of garbage collection.

Received.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and the Nominating Committee be considered in Committee of the Whole with Alderman Copps in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - TENTH REPORT

Section 48 Re: Roadway and Sidewalk Reconstruction Program - Reconstruction of Walkway for Gore Park

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Copps, Wilson, Eisenberger, Charters, Jackson, Merling, Anderson, Ross. -14.

NAYS: Aldermen Drury, D'Amico. -2.

CARRIED.

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Section 52 Re: Upper Ottawa Landfill Site - Establish an Interdepartmental review team

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -15.

NAYS: Alderman Kiss. -1

CARRIED.

* * * * *

Section 53 Re: West Central Branch - Ontario Ministry of the Environment and Energy - 306 Lake Avenue North

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Agro, McCulloch, Wilson, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -11.

NAYS: Aldermen Kiss, Drury, Morelli, Copps, Eisenberger. -5. **CARRIED.**

* * * * *

Section 54 Re: West Central Branch - Ontario Ministry of Environment and Energy - Plastimet Inc. - 119 Princess Street

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Agro, McCulloch, Wilson, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -11.

NAYS: Aldermen Kiss, Drury, Morelli, Copps, Eisenberger -5. **CARRIED.**

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Section 58 Re: Four way stop control - Britannia Avenue and Tolton Avenue

It was moved by Alderman Wilson and seconded by Alderman Merling that Section 58 of the Tenth Report of the Transport and Environment Committee for 1995 be referred back.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -15.

NAYS: Alderman Copps. -1.

CARRIED.

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Section 59 Re: Collection of residential garbage - Request for Proposal

It was moved by Alderman Merling and seconded by Alderman Wilson that Section 59 of the Tenth Report of the Transport and Environment Committee for 1995 be amended by deleting the words "Local Union representatives" in the third line in sub-section (d) and replacing them as follows; "C.U.P.E. Local 5 Representatives; and by deleting the words "Union Contracts" in the fourth line and replacing them as follows: "Collective Agreement respecting".

CARRIED.

<p>PARKS AND RECREATION COMMITTEE - SIXTEENTH REPORT</p>

Section 2 Re: Naming of Waterfront Park

It was moved by Alderman D'Amico and seconded by Alderman Caplan that Section 2 of the Sixteenth Report of the Parks and Recreation Committee for 1995 be referred back to the Parks and Recreation Committee with a subsequent report to be submitted to the next meeting of City Council.

Recorded vote on referral back.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, Copps, Anderson, D'Amico, Ross. -8.

NAYS: Aldermen McCulloch, Drury, Morelli, Wilson, Eisenberger, Charters, Jackson, Merling. -8.

LOST.

* * * * *

Recorded vote on Section 2.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -15.

NAYS: Alderman Caplan. -1.

CARRIED.

Section 10 Re: Amendment - Hamilton Downtown Rotary Club BBQ - Pier 4 Park

It was moved by Alderman Eisenberger and seconded by Alderman Anderson that the Section 10 of the Sixteenth Report of the Parks and Recreation Committee for 1995 be amended by deleting the word "the" in the second line of the first paragraph before the word "Park" and inserting the words "Pier 4" before the word "Park" in lieu thereof:

* * * * *

Section 10 Re: Alcohol in Parks - Hamilton Downtown Rotary Club BBQ - Pier 4 Park

Recorded vote as amended.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, Merling, Anderson, D'Amico, Ross. -15.

NAYS: Alderman Jackson. -1.

CARRIED.

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Section 19 Re: Rule No. 8 - Slo-Pitch Ontario Association\Labatt's Breweries of Ontario

It was moved by Alderman Eisenberger and seconded by Alderman Anderson that Rule No. 8 of the City's Procedural By-law No. 82-203 be invoked for this meeting of City Council in order to allow the introduction of resolution respecting permission to sell alcoholic beverages 1995 September 1 to September 3 and September 8 to September 10 at Globe Park, Turner Park by the Slo-Pitch Ontario Association/Labatt's Breweries of Ontario. **CARRIED.**

* * * * *

Section 19 Re: Slo-Pitch Ontario Association\Labatt's Breweries of Ontario

It was moved by Alderman Eisenberger and seconded by Alderman Anderson that the Sixteenth Report of the Parks and Recreation Committee for 1995 be amended by adding the following as Section 19:

19. That approval as required by Section 11 of Parks By-law No. 95-126, be granted to the Slo-Pitch Ontario Association and Labatt's Breweries of Ontario to sell alcoholic beverages by Special Occasion Permit at Globe Park, Turner Park, on 1995 September 1 to September 3 and September 8 to September 10 (inclusive), between the hours of 11:00 o'clock a.m. and 10:00 o'clock p.m. subject to the following terms and conditions:

- (a) That proof of insurance be provided, in the amount of \$5 million, for Comprehensive General Liability, Property Damage, Bodily Injury and including Liquor Liability, subject to cross liability and severability provisions, naming the City as additional insured; and,
- (b) That alcoholic beverages be served in a confined controlled area; and,
- (c) That organizers and their workers who are providing alcoholic beverages be encouraged to participate in a "Server Intervention Training Program"; and,
- (d) That Special Duty Officers, as deemed necessary by the Hamilton-Wentworth Regional Police, be provided at the applicant's expense.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, Merling, Anderson, D'Amico, Ross. -15.

NAYS: Alderman Jackson. -1.

CARRIED.

<p>PLANNING AND DEVELOPMENT COMMITTEE - SEVENTEENTH REPORT</p>

Section 1(c) Re: Hamilton Harbour Commissioners - settlement package

It was moved by Alderman Drury and seconded by Alderman D'Amico that Section 1(c) of the Seventeenth Report of the Planning and Development Committee for 1995 be amended by deleting the words "(copies of which are available from the Secretary)".

CARRIED.

* * * * *

Section 5 Re: Application SAC-91-01 - Owen Jackson

It was moved by Alderman Eisenberger and seconded by Alderman Ross that Section 5 of the Planning and Development Committee for 1995 be referred back.

CARRIED.

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Section 7 Re: CDM-CONV-95-004 - Sachetta Investments Limited - 41-43 Albert St.

It was moved by Alderman Drury and seconded by Alderman D'Amico that Section 7 of the Seventeenth Report of the Planning and Development Committee for 1995 be amended by adding the following:

- (f) That the Mayor and the City Clerk be authorized to grant draft approval by signing the draft plan; and,
- (g) That the Mayor and the City Clerk be authorized to sign the final plan once the owner has fulfilled the requirements under the Rental Housing Protection Act.

CARRIED.

* * * * *

Section 9 Re: Victoria Hall - 66-68 King St. E. - National Historic Site & LACAC

It was moved by Alderman Ross and seconded by Alderman Charters that Section 9 of the Seventeenth Report of the Planning and Development Committee for 1995 be referred back with the following instructions:

- 1. That the Planning and Development Committee consider the issue of the implications associated with the purchase of this property and;
- 2. That the Finance and Administration Committee consider the issue of financing the purchase of this property.

Recorded vote.

YEAS: Aldermen Morelli, Wilson, Charters, Jackson, Merling, Anderson, Ross.-7.

NAYS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Copps, Eisenberger, D'Amico. -9.

LOST.

* * * * *

Section 9 Re: Victoria Hall - 66-68 King St. E.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, D'Amico. -11

NAYS: Aldermen Charters, Jackson, Merling, Anderson, Ross. -5

CARRIED.

* * * * *

Section 28 Re: Ontario Municipal Board hearings regarding appeals -139 Whitney Avenue, 73 Holmes Avenue and 114 Winston Avenue

It was moved by Alderman Merling and seconded by Alderman Caplan that Section 28 of the Seventeenth Report of the Planning and Development Committee for 1995 be amended by deleting the words "and to grant application A-95-123, "and 114 Winston Avenue" from Sub-section (i).
CARRIED.

FINANCE AND ADMINISTRATION COMMITTEE - NINETEENTH REPORT

Section 30 Re: Conflict of Interest - Ontario Municipal Energy Improvement Facility

Alderman Ross declared personal interest in, took no part in the debate and refrained from voting on this matter. Alderman Ross the Executive Director of the Ontario Municipal Energy Improvement Facility.

* * * * *

Section 36 Re: Rule No. 8 Re: Introduction of Bill D-61

It was moved by Alderman Charters and seconded by Alderman Jackson that Rule No. 8 be invoked for this meeting of City Council in order to introduce a Bill for enactment as a by-law respecting Realty Tax Arrears at No. 39 Mary Street as per Section 23 of the Nineteenth Report of the Finance and Administration Committee for 1995.

CARRIED.

* * * * *

Section 36(i) Re: Introduction of Bill D-61: A By-law to authorize an Amending Agreement to an Extension Agreement for payment of Realty Tax Arrears.

It was moved by Alderman Charters and seconded by Alderman Jackson that the Nineteenth Report of the Finance and Administration Committee for 1995 be amended by adding the following as Sub-section (i) to Section 36:

- (i) D-61 A By-law to authorize an Amending Agreement to an Extension Agreement for payment of Realty Tax Arrears.
CARRIED.

* * * * *

Section 37 Re: Rule No. 8 - Use of City Hall Forecourt - Biggest Country Line Dance

It was moved by Alderman Charters and seconded by Alderman Jackson that Rule No. 8 of the City's Procedural By-law No. 82-203 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the "biggest country line dance" in the City Hall Forecourt. **CARRIED.**

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Section 37 Re: Use of City Hall Forecourt - Biggest Country Line Dance

It was moved by Alderman Charters and seconded by Alderman Jackson that the following be added as Section 37 of the Nineteenth Report of the Finance and Administration Committee for 1995:

- (a) That approval be given to Heart of the City Action Centre to hold the "biggest country line dance" in the City Hall Forecourt on Friday, 1995 September 15 between the hours of 3:00 o'clock p.m. until 8:00 o'clock p.m., on the condition that the requirements of the Hamilton-Wentworth Regional Police are satisfied; and,
- (b) That in conjunction with this event, permission be granted for: live or recorded music to be performed (or played) during the period of 5:00 o'clock p.m. to 8:00 o'clock p.m.; access to the first floor washroom facilities and second floor balcony for the photographer. **CARRIED.**

* * * * *

Section 38 Re: Rule No. 8 - Temporary Extension of Liquor Licence to Amigos, The Scotsman and Ragin Cajun Restaurants

It was moved by Alderman Charters and seconded by Alderman Jackson that Rule No. 8 of the City's Procedural By-law No. 82-203 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the issuance of a Temporary Extension of Liquor Licence to Amigos, The Scotsman and Ragin Cajun Restaurants, located at 115 George Street, 96 George Street and 13 Hess Street South respectively. **CARRIED.**

* * * * *

Section 38 Re: Temporary Extension of Liquor Licence to Amigos, The Scotsman and Ragin Cajun Restaurants

It was moved by Alderman Charters and seconded by Alderman Jackson that the following be added as Section 38 of the Nineteenth Report for 1995 of the Finance and Administration Committee:

- (a) That subject to the approval of the appropriate road closures, the Liquor Licence Board of Ontario be advised that the City of Hamilton is aware of, and has no objection to the issuance of a Temporary Extension of Liquor Licence to Amigos, The Scotsman and Ragin Cajun (805715) Restaurants, located at 115 George Street, 96 George Street and 13 Hess Street South respectively, for the purpose of the Country Music Festival being held in Hamilton for the dates of 1995 September 15th to the 17th, on the condition that outdoor music stops at 11:00 o'clock p.m. in keeping with the City's Noise By-law; and further,
 - (b) That the requirements of the Hamilton-Wentworth Regional Police are satisfied.
- CARRIED.**

FINANCE AND ADMINISTRATION COMMITTEE - TWENTIETH REPORT

NOMINATING COMMITTEE - FIFTH REPORT

ACTING MAYOR FOR THE MONTH OF SEPTEMBER, 1995

It was moved by Alderman Kiss and seconded by Alderman Agro that Alderman M. Caplan be appointed Acting Mayor for the month of September 1995.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and the Nominating Committee be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

BILLS

It was moved by Alderman Kiss and seconded by Alderman Caplan that the following Bills be now read a first time:

A-49, A-50, A-51, A-52, A-53, A-54, A-55.

B-4.

C-46, C-47, C-48, C-49, C-50, C-51, C-52.

D-53, D-54, D-55, D-56, D-57, D-58, D-59, D-60, D-61.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that Council move into Committee of the Whole to consider the following Bills, with Alderman Copps in the chair. (second reading).

A-49, A-50, A-51, A-52, A-53, A-54, A-55.

B-4.

C-46, C-47, C-48, C-49, C-50, C-51, C-52.

D-53, D-54, D-55, D-56, D-57, D-58, D-59, D-60, D-61.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

* * * * *

Consideration of the Bills (second reading).

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the following Bills, be adopted:

A-49, A-50, A-51, A-52, A-53, A-54, A-55.

B-4.

C-46, C-47, C-48, C-49, C-50, C-51, C-52.

D-53, D-54, D-55, D-56, D-57, D-58, D-59, D-60, D-61.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the following Bills, be now read a third time, signed, sealed and enrolled as By-laws:

A-49, A-50, A-51, A-52, A-53, A-54, A-55.

B-4.

C-46, C-47, C-48, C-49, C-50, C-51, C-52.

D-53, D-54, D-55, D-56, D-57, D-58, D-59, D-60, D-61.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 10:00 o'clock p.m.

* * * * *

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz, City Clerk
1995 August 29
JJS/dg

Minutes of the Special
Committee of the Whole/City Council Meeting
Tuesday, September 19, 1995
5:00 o'clock p.m.
Room 233, City Hall

The Council met.

Present: Mayor Robert M. Morrow
Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Drury, Copps, Wilson,
Eisenberger, Jackson, Charters, Merling, Anderson, Ross, D'Amico.

Mayor R. M. Morrow called the meeting to order.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Finance and Administration Committee and Committee of the Whole be considered in Committee of the Whole with Mayor Morrow in the Chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

FINANCE AND ADMINISTRATION COMMITTEE - TWENTY-FIRST REPORT

Development Charges

Adoption of Bill D-62: A By-law Respecting Development Charges

Section 1 Re: Development Charges

It was moved by Alderman Caplan and seconded by Alderman Agro:

"That no residential development charges be imposed on the lands shown on Appendix "A", attached."

Recorded vote on amendment.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, D'Amico. -7.

NAYS: Aldermen Morelli, Copps, Wilson, Eisenberger, Jackson, Charters, Merling, Anderson, Ross. -9
LOST.

Section 1 Re: Development Charges

Recorded vote.

YEAS: Aldermen Kiss, Agro, McCulloch, Morelli, Drury, Copps, Wilson, Eisenberger, Jackson, Charters, Merling, Anderson, Ross, D'Amico. -14.

NAYS: Mayor Morrow, Alderman Caplan. -2.

CARRIED.

COMMITTEE OF THE WHOLE - SIXTH REPORT

Amalgamation of Treasury and Finance Departments
Local Government Restructuring

Section 2 Re: Retaining of Consultant for Local Government Restructuring

Recorded vote.

YEAS: Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Drury, Copps, Wilson, Jackson, Charters, Merling, Anderson, Ross, D'Amico. -14.

NAYS: Mayor Morrow, Alderman Eisenberger. -2.

CARRIED.

RESOLUTIONS

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Finance and Administration Committee and the Committee of the Whole, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Drury, Copps, Wilson, Eisenberger, Jackson, Charters, Merling, Anderson, Ross, D'Amico. -16.

NAYS: -0.

CARRIED.

* * * * *

* * * * *

City Council then adjourned at 6:20 o'clock p.m.

* * * * *

Taken as read and approved.

Mayor R.M. Morrow

S. G. Hollowell, Acting City Clerk
1995 September 19
SGH/dg

CORRESPONDENCE

Correspondence:

1. Letter dated 1995 September 5 from the Ukrainian Cultural Centre of Hamilton respecting the former public parking lot located at 36 Newlands Avenue, Hamilton, Ontario.

Recommendation: **Be Referred to the Finance and Administration Committee**

2. Application dated 1995 September 13 from Whatmough Management Inc., Hamilton, Ontario respecting a request for a modification to the established "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District for property located at No. 412 Aberdeen Avenue, Hamilton, Ontario.

Recommendation: **Be Received.**

Ukrainian Cultural Center of Hamilton

Incorporated in Ontario 1967

241 Kenilworth Ave. North -- Hamilton, Ont. L4H 4S4 P1

Sept. 5, 1995.

1.

Chairperson of City Council, City of Hamilton
71 Main St. W.,
Hamilton, Ont.
L8N 3T4

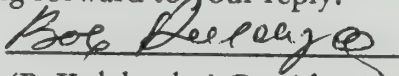
Re.: Municipal Lands at 36 Newlands Ave., Hamilton (former Public Parking Lot)

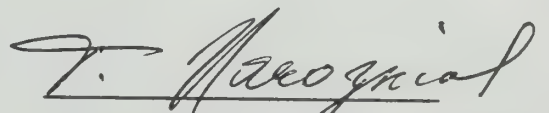
Dear Sir:

Since the closing of the Public Parking Lot at 36 Newlands Avenue in Hamilton, it has been difficult for persons using the Ukrainian Hall at 241 Kenilworth Avenue North to find adequate parking. We, of the Ukrainian Cultural Center located at the same address, have been in contact with the Senior Property Officer at City Hall with regard to any future plans on the part of the city for this lot. We have been informed that the lot is not available for rent as we had originally hoped, and, subsequently, learned that the land will be put up for sale as soon as it is declared *Surplus* by City Council. Since the Ukrainian Cultural Center cannot rent the property then it is interested in purchasing the lot as a non-profit organization. If it is not available for purchase outright, then possibly we could rent it on a rent-to-own basis.

We would like City Council to consider the following factors when making its decision on the disposition of the said property. The parking lot constitutes the single most accessible place of parking for the Ukrainian Hall and its closing has made it difficult to carry on our functions there. This applies not only to activities associated with the Ukrainian Cultural Center but also to functions carried out by other groups. As you can see, access to this lot is indispensable to the ongoing operation of our hall and we sincerely hope that you will make it available to us in one form or other.

Looking forward to your reply.


(B. Kulchycky, President)


(T. Narozniak, Secretary-Treasurer)

cc.: Robert Morrow, Mayor

Dave Wilson, Ward 4 Alderman

Geraldine Copps, Ward 4 Alderman

Keith D. Anderson, Senior Property Officer/Appraiser

REPORTS

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **ELEVENTH** Report for 1995 and respectfully recommends:

1. That a "Wheelchair Loading Zone, 8:00 a.m. to 5:00 p.m., Monday to Friday" regulation be implemented on the west side of Bingham Road commencing at a point 59 feet north of Ayr Avenue and extending to a point 36 feet northerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
2. That the existing "No Parking" regulation on the north and east sides of Robson Crescent commencing at the east property line of No. 57 Robson Crescent and extending to the north property line of No. 51 Robson Crescent be revised such that the regulation commences at the east property line of No. 57 Robson Crescent and extends to a point 86 feet north of the north curb line of Robson Crescent, and that the City Traffic By-law No. 89-72 be amended accordingly.
3.
 - (a) That a "Permit Parking" regulation be implemented on the south side of Maplewood Avenue commencing at a point 76 feet west of Cedar Avenue and extending to a point 18 feet westerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Megan Duguay, No. 166 Maplewood Avenue.
4.
 - (a) That a "Permit Parking" regulation be implemented on the north side of Markland Street commencing at a point 65 feet east of the east curb line of Bruce Street and extending to a point 22 feet easterly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

- (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Carol Sheppard, No. 156 Markland Street.
5. That the existing "No Parking" regulation on the west side of Pearson Drive commencing at a point 347 feet south of Mount Pleasant Drive and extending to a point 18 feet southerly therefrom, be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.
6. (a) That a "Permit Parking" regulation be implemented on the east side of Ray Street North commencing at a point 256 feet north of York Boulevard and extending to a point 14 feet northerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
- (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Demetrios Keramidas, No. 148 Ray Street North.
7. That a "No Stopping" regulation be implemented on the east side of Hughson Street South between Charlton Avenue East and a point 60 feet northerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
8. That northbound traffic on Atkins Drive be required to stop for eastbound and westbound traffic on Greencedar Drive and that the City Traffic By-law No. 89-72 be amended accordingly.
9. That the applications to retain inadvertent encroachments at the locations outlined on Appendix "A", appended hereto, be approved, provided:
- (a) That the owners enter into agreements satisfactory to the City Solicitor and Commissioner of Transportation/Environmental Services to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,

- (b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,
 - (c) That the first year fees and subsequent annual fees outlined in Appendix "A" be set for the encroachments.
10. That the action of the Commissioner of Transportation/Environmental Services be confirmed in authorizing the closure of the following roads for neighbourhood street parties:
- (a) Elite Drive between Upper Wentworth Street and Acadia Drive on Saturday, 1995 August 19, from 12:00 o'clock noon to 11:00 o'clock p.m.; and,
 - (b) Rowanwood Street from Beach Road to the end on Sunday, 1995 August 26 from 9:00 o'clock a.m. to 11:00 o'clock p.m.; and,
 - (c) East 34th Street from Crockett Street and Munn Street on Sunday, 1995 August 27 from 4:00 o'clock p.m. to 10:00 o'clock p.m.; and,
 - (d) Haskins Court on Sunday, 1995 September 3, from 4:00 o'clock p.m. to 11:00 o'clock p.m.

subject to the following conditions:

- (i) That the prior approval of the Chief of Police or his/her designate be received, and that such permits or authorizations as may be required by the Chief of Police or his/her designate be obtained; and,
- (ii) That the applicant provide proof of \$2,000,000. public liability insurance naming the Region and the City of Hamilton as an added insured party with a provision for cross liability, and holding the Region and the City of Hamilton harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
- (iii) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his/her designate; and,
- (iv) That all barricading be supplied by and at the expense of the applicant; and,

- (v) That "Temporary Road Closure" signs be installed in advance by the City of Hamilton Department of Public Works and Traffic, on the affected roadways, if deemed necessary by the Commissioner of Public Works and Traffic; and,
 - (vi) That the applicant ensure that clean up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the Commissioner of Transportation/ Environmental Services and at the expense of the event organizer; and,
 - (vii) That no property owner or resident within the barricaded area be denied access to their property upon request; and,
 - (viii) That all property owners and tenants within the closure area be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation/Environmental Services.
11. That the Commissioner of Public Works and Traffic be directed to remove the 40" diameter, multi-stem, Silver Maple tree located on the City road allowance at No. 20 Fairleigh Crescent.
12. That the request by Regal Castle Developments Inc. for exemption from payment of servicing costs on Fieldway Drive, be approved.
13. (a) That the Commissioner of Public Works and Traffic be directed to provide a second scheduled pickup of garbage for the alleyways which serve King Street between James Street and Wellington Street; and,
- (b) That the second collection day be undertaken on Fridays for a six week trial period commencing 1995 September 29, recognizing that a summary report will be forwarded for the consideration of the Transport and Environment Committee at the end of the trial period.

14. That the Public Works and Traffic Department be authorized to continue to fund the Sewer Street Tree Program Account No. CH56321 60430 recognizing that this account is in overdraft.
15.
 - (a) That the West Central Branch of the Ontario Ministry of Environment and Energy (MOEE) be advised that the City of Hamilton has no objection to Hotz Environmental Services Inc. receiving a Provisional Certificate of Approval No. WCR650089 for a Waste Disposal Site (Processing) located at No. 239 Lottridge Street, Hamilton, provided that all environmental safeguards normally associated with this type of activity are implemented to the satisfaction of the MOEE and that all applicable City By-laws are complied with fully; and,
 - (b) That a copy of this report and the corresponding Council resolution be submitted to the West Central Branch of the MOEE for their consideration in the preparation of the Provisional Certificate of Approval which would apply to the development and operation of the facility operated by Hotz Environmental Services Inc.; and,
 - (c) That the MOEE be requested to forward a copy of the final Provisional Certificate of Approval for Hotz Environmental Services Inc. to the City of Hamilton upon its completion.
16. That four-way stop control be implemented at the intersection of Britannia Avenue and Tolton Avenue and that the City Traffic By-law No. 89-72 be amended accordingly.
17. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
 - (a) A-56 A By-law to Amend By-law No. 89-72 to Regulate Traffic
 - (b) A-57 A By-law to Amend By-law No. 89-72 to Regulate Traffic

Respectfully Submitted,

Kevin C. Christenson
Secretary

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

1995 September 18

Appendix "A" as referred to in
Section 9 of the ELEVENTH Report
of the Transport and Environment
Committee for 1995

<u>Location</u>	<u>Owner</u>	<u>Type of Encroachment</u>	<u>First Year/Annual</u>	<u>File Number</u>
168 Barton Street West	H. and G. Duarte	Part of building 1.7m x 0.33m stoop & steps 1.67m x 1.2m	138/20	T103 50 1011
459 MacNab Street North	J. K. O'Neill	Verandah 5.13m x 0.67m	138/20	T103 50 1180
307 Barton Street West	Raposo	Part of building 0.064m x 4.27m	138/20	T103 50 1184
62 Brant Street	G. F. Pettinos Limited	Part of building 0.14m x 18.32m	138/20	T103 50 1185
18 Ellis Avenue	D. and J. Stanley	Steps 1.28m x 1.28m	138/20	T103 50 1188
92 - 94 Birge Street	1109359 Ontario Ltd.	Stoop 3.54m x 0.73m steps 1.07m x 0.88m chimney 0.43m x 0.36m	138/20	T103 50 1186
20 Aikman Avenue	Ngo Dung Lu Hoa	Porch by 1.01m x 2.44m steps by 0.15m x 1.60m	138/20	T103 50 1181
26 Gordon Street	S. M. Clark	Steps by 1.89m x 0.35m	138/20	T103 50 1189
25 William Street	Da Silva	Porch by 2.48m x 0.13m Steps by 0.69m x 0.13m	138/20 138/20	T103 50 1190 T103 50 1190

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **SEVENTEENTH** Report for 1995 and respectfully recommends:

1. (a) That the request by the Hamilton Y.W.C.A. for additional base funding support from the City of Hamilton for expanded recreation services for seniors at the Ottawa Street Seniors Centre and the Hamilton Seniors Centre be forwarded to the Current Budget Sub-Committee as an Expansion of Service Item outside the base budget of the Culture and Recreation Department for consideration in the 1996 current budget; and,
- (b) That the Director of Culture and Recreation be authorized to conduct a service review of all agencies and organizations receiving grant funding through the Culture and Recreation Department and report back during the 1996 budget process; and,
- (c) That the Director of Culture and Recreation and the City Solicitor be authorized to update agreements between the City and grant receiving agencies funded through the Culture and Recreation Department.
2. That approval, as required by Section 11 of the Parks By-law No. 95-126, be granted to McMaster University to dispense alcoholic beverages by Special Occasion Permit, in the Press Box area of Ivor Wynne Stadium on 1995 October 5 from 5:00 o'clock p.m. to 11:00 o'clock p.m., subject to the following terms and conditions:
 - (a) That proof of insurance be provided in the amount of \$5 million for Comprehensive General Liability, Property Damage, and Bodily Injury, and including Liquor Liability, subject to cross-liability and severability provisions, naming the City as additional insured; and,
 - (b) That the applicant adhere to the regulations of the Liquor Licence Board for the provision of alcoholic beverages, and;
 - (c) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense.

3. That the Treasurer be directed to close the following Capital Project accounts with excess funding to be transferred to its original source of financing:

Centre Account No.	Project Description	Authorized Gross Cost	Expended/ Committee To Date	Balance Available	Source Of Financing
709154009	TENNIS CRT. RESURFACE	\$106,000.	\$105,819.	\$181.	Res. Cap. Unclass
709441026	COIN LOCKERS	\$550,000.	\$0.00	Project Not Being Undertaken	Financing Not Required
709441036	KING'S FOREST TENNIS	\$72,000.	\$72,000.	\$0.00	Res. Cap. Unclass
709441037	GEOTECH. TENNIS	\$7,000.	\$6,189.	\$810.	Res. Cap. Unclass
709449013	WORLD INDOOR TRACK	\$15,000.	\$0.00	\$15,000.	Res. Cap. Unclass

4. That approval be given to the action taken by the Director of the Department of Culture and Recreation to continue the employment of a Museum Clerk at the Hamilton Museum of Steam and Technology for a period of 29 weeks, commencing 1995 September 9, and funded by the Ontario Training and Adjustment Board - Social Services Employment Program of the Ontario Ministry of Community and Social Services.
5. That approval be given to continue the employment of a Museum Assistant at the Hamilton Children's Museums for a period of 29 weeks, which is funded by the Ontario Training and Adjustment Board - Social Services Employment Program of the Ontario Ministry of Community and Social Services.

6. That approval be granted to the Director of Culture and Recreation to purchase exhibit preparation equipment at a cost not to exceed \$5,920. from the Children's Museum Trust Fund Account No. CH5X699 00403.
7. That approval be granted to enter into a Contract with Street Level Media, in a form satisfactory to the City Solicitor, for the supply, installation, service and maintenance of Arena Rink Board Advertising for a term of 1 year commencing 1995 October 1 and terminating 1996 September 30, with the option to renew for a further three (3) one year terms.
8.
 - (a) That permission be granted to reduce the rental fee by 50% for the Festitalia Soccer Tournament to be held at Mohawk Sports Complex on 1995 September 16 and September 17; and,
 - (b) That the practice of discounting rental fees be reviewed in conjunction with the User Fee Policy.
9.
 - (a) That the policy to permit event organizers to charge a fee for the parking of vehicles in parks and on municipal parking lots adjacent to parks during special events/festivals be sustained for 1996 and that the Director of Culture and Recreation report annually on this matter; and,
 - (b) That the policy be amended to include a requirement for event organizers to file a complete Income Statement with the Director of Culture and Recreation within 90 days of the completion of their events.
10. That the Director of Culture and Recreation be authorized to extend the playing season of the Chedoke Martin and King's Forest golf courses beyond 1995 October 31 as weather and playing conditions permit with the following guidelines for play:
 - (a) That those with municipal course memberships Plan A or Plan B be allowed to play as an extension of their annual membership for this year only; and,
 - (b) That regular green fees apply for all others; and,

- (c) That decisions to permit play will be at the sole discretion of the Director of Culture and Recreation, or his designate, based on weather and playing conditions; and,
 - (d) That the Director of Culture and Recreation reserves the right to close the course for white frost, frozen ground or wet conditions; and,
 - (e) That temporary greens and tees will be used as required by turf conditions at no discount for green fee players; and,
 - (f) That the Director of Culture and Recreation be directed to report back on the success of this program extension.
11. That approval be given to issue a purchase order with Cambridge Landscaping Inc. of Cambridge in the amount of \$65,805., including G.S.T., to be financed through Dundurn Castle restoration Account No. CF719441022, which was the lowest qualified bid of a total of ten, in accordance with specifications issued by the Purchasing Department vendor quotation.
12. That approval be given to proceed with the construction of the following four multi-use trail components, according to the development concepts approved by Council on 1995 June 27:
- (a) Radial Trail - Dundurn Street to Scenic Drive, as per the alignment shown on Appendix "A", attached hereto; and,
 - (b) Pathway Linkage - Ottawa Street to Escarpment Rail Trail, as per the alignment shown on Appendix "B", attached hereto; and,
 - (c) Pathway Linkage - Mohawk Road to Escarpment Rail Trail, as per the alignment shown on Appendix "C", attached hereto; and,
 - (d) York Boulevard Trail - Valley Inn Road Bridge to High Level Bridge, as per the alignment shown on Appendix "D", attached hereto.
13. That approval be given to extend the Rail Trail (Wentworth Street to Limeridge) across city open space lands at Mount Albion to the existing parking area off Arbour Road, as per the alignment shown on Appendix "E", attached hereto.

14. (a) That the development of the trails in the Red Hill Valley, as per the alignment shown on Appendix "F", attached hereto, be approved for construction; and,

(b) That staff prepare a current budget allocation for inclusion in the Parks Division current budget commencing in 1996 to facilitate a minimum standard of maintenance for the scope of work covered in the Joint Management Agreement. .
15. That a letter be sent to the City of Burlington declining their invitation to hold a public meeting for discussion on the West Harbourfront Development Study and C.N. Relocation; and offering to assist them through the provision of information which they can provide to their constituents.

Respectfully Submitted,

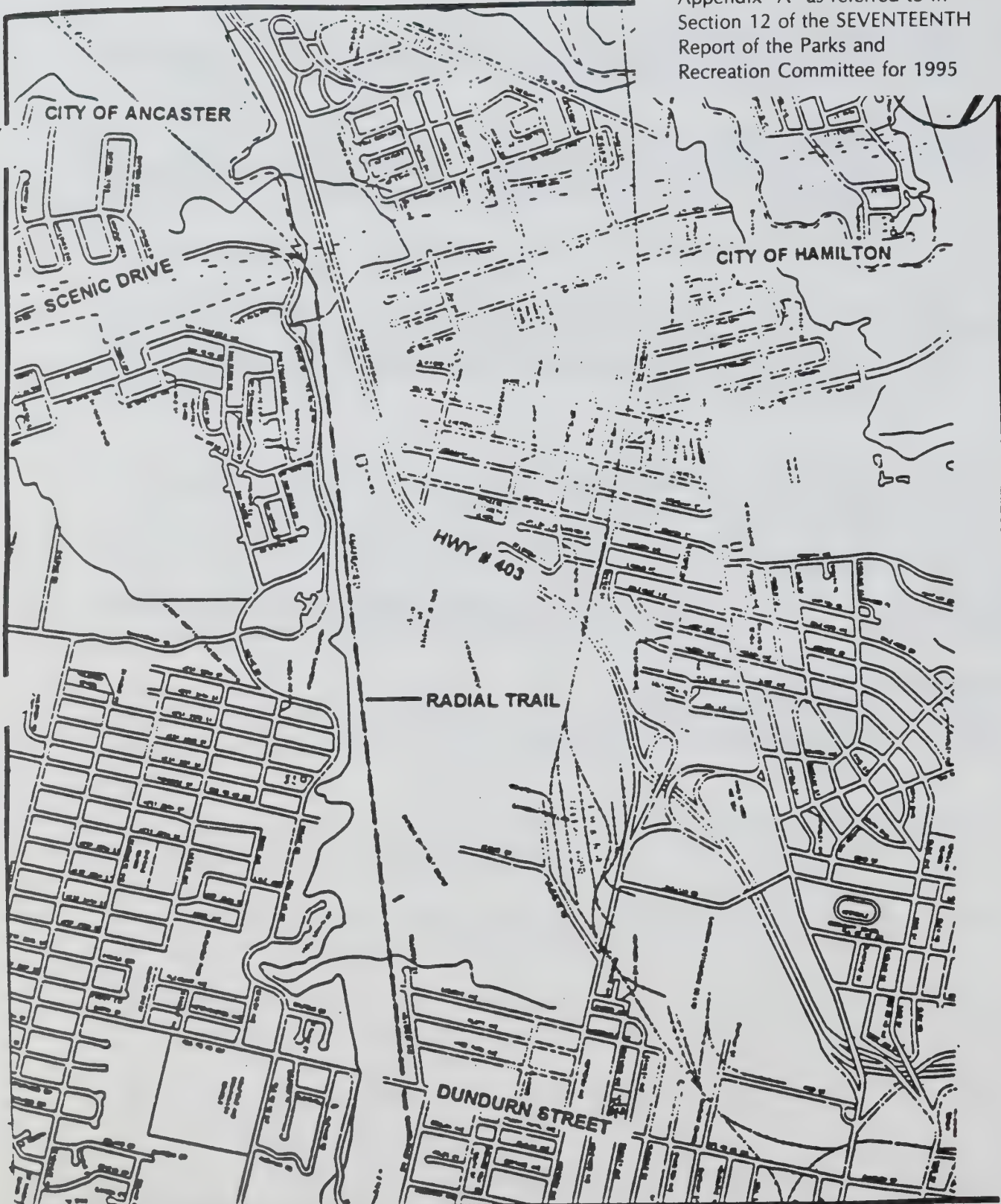
Stella Glover
Acting Secretary

ALDERMAN F. EISENBERGER, CHAIRPERSON
PARKS AND RECREATION COMMITTEE

1995 September 19

1995 September 26

Appendix "A" as referred to in
Section 12 of the SEVENTEENTH
Report of the Parks and
Recreation Committee for 1995



Project Radial Trail
Dundurn Street to Scenic Drive
Title

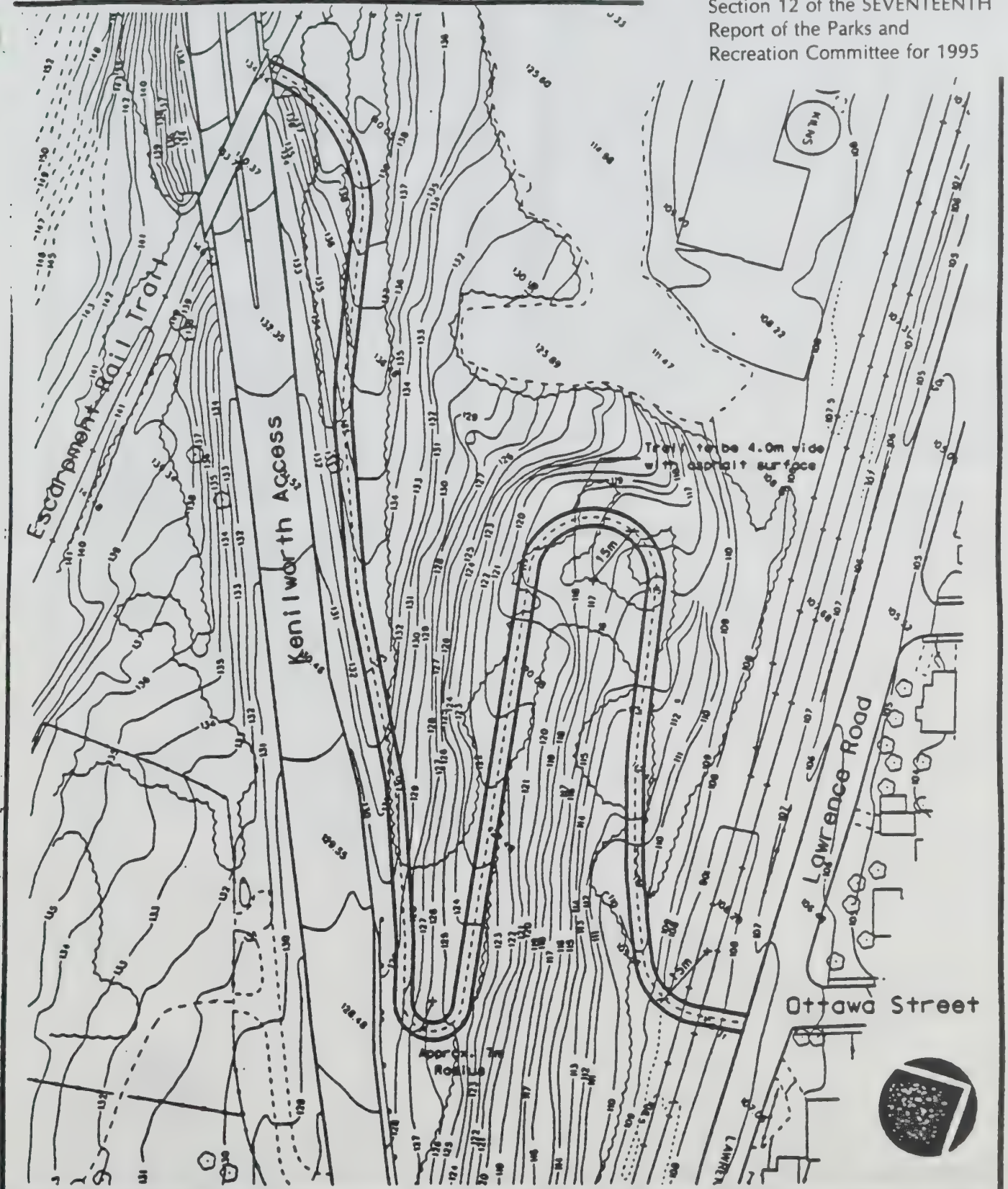
Date June 1995

Scale N.T.S.

Dwg. No.

1995 September 26

Appendix "B" as referred to in
Section 12 of the SEVENTEENTH
Report of the Parks and
Recreation Committee for 1995

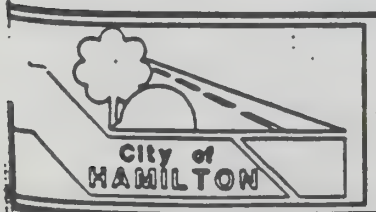
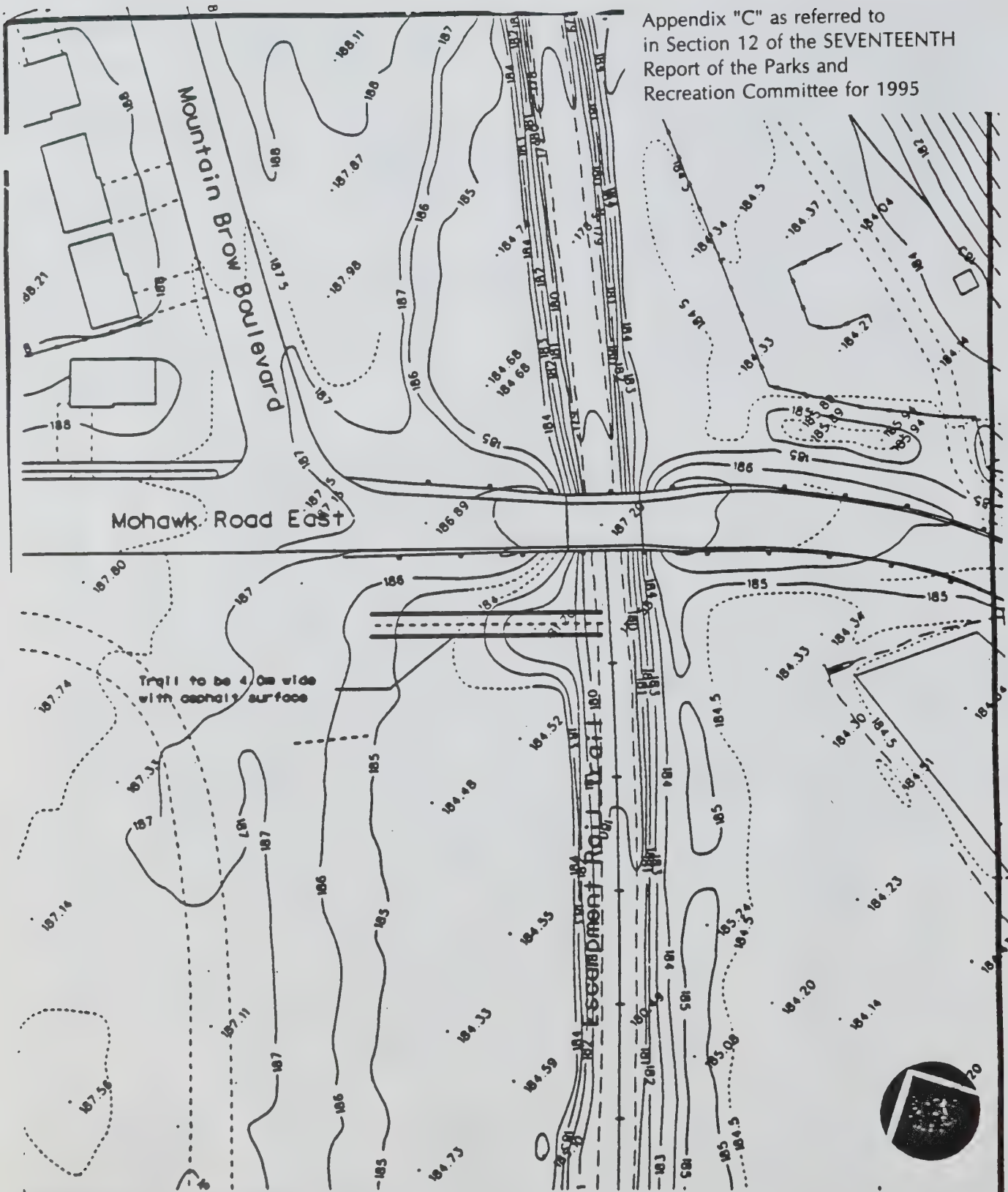


Project Pathway Linkage
Ottawa Street to
Escarpment Rail Trail
Title

Date June 1995
Scale N.T.S.
Dwg. No.

1995 September 26

Appendix "C" as referred to
in Section 12 of the SEVENTEENTH
Report of the Parks and
Recreation Committee for 1995

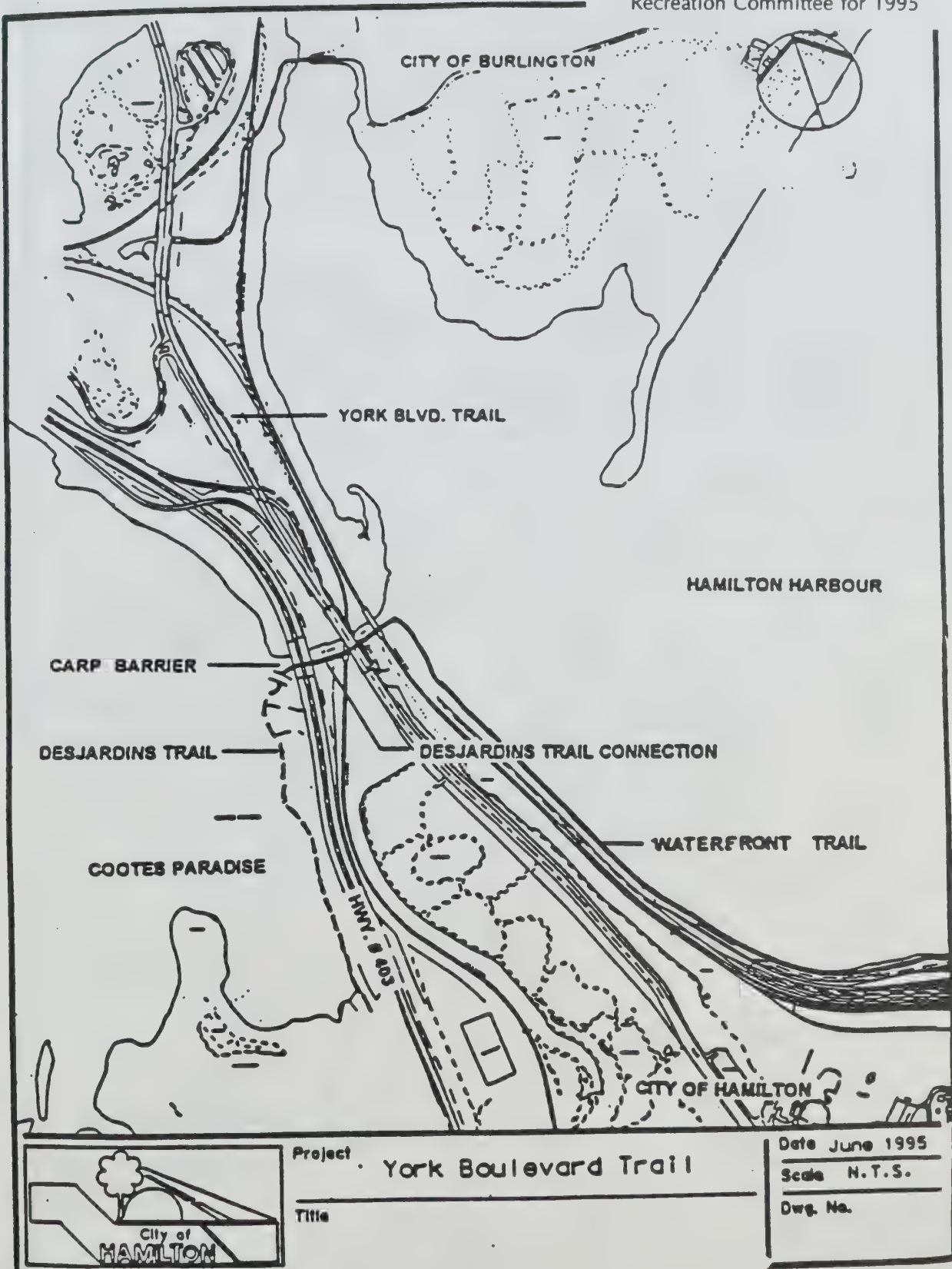


Project Pathway Linkage
Mohawk Road East to
Escarpment Rail Trail
Title

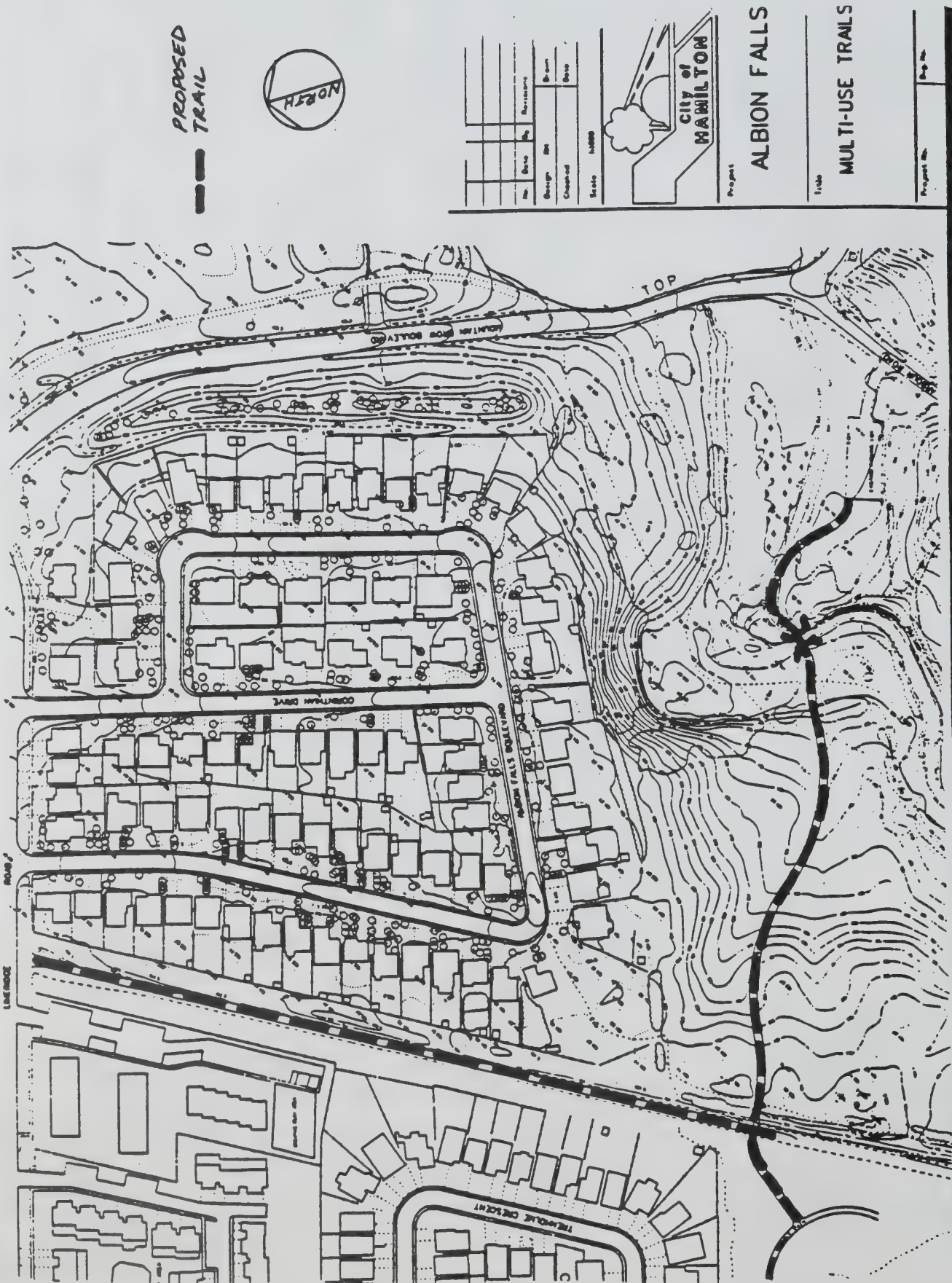
Date June 1995
Scale N.T.S.
Dwg. No.

1995 September 26

Appendix "D" as referred to in
Section 12 of the SEVENTEENTH
Report of the Parks and
Recreation Committee for 1995



Appendix "E" as referred to in
Section 13 of the SEVENTEENTH
Report of the Parks and
Recreation Committee for 1995



Appendix "F" as referred to in
Section 14 of the SEVENTEENTH
Report of the Parks and
Recreation Committee for 1995



LEGEND

MULTI - USE TRAIL

BIKE TRAIL

WALKING TRAIL

BRUCE TRAIL

WATERFRONT TRAIL

MULTI - USE TRAIL

BRIDGE

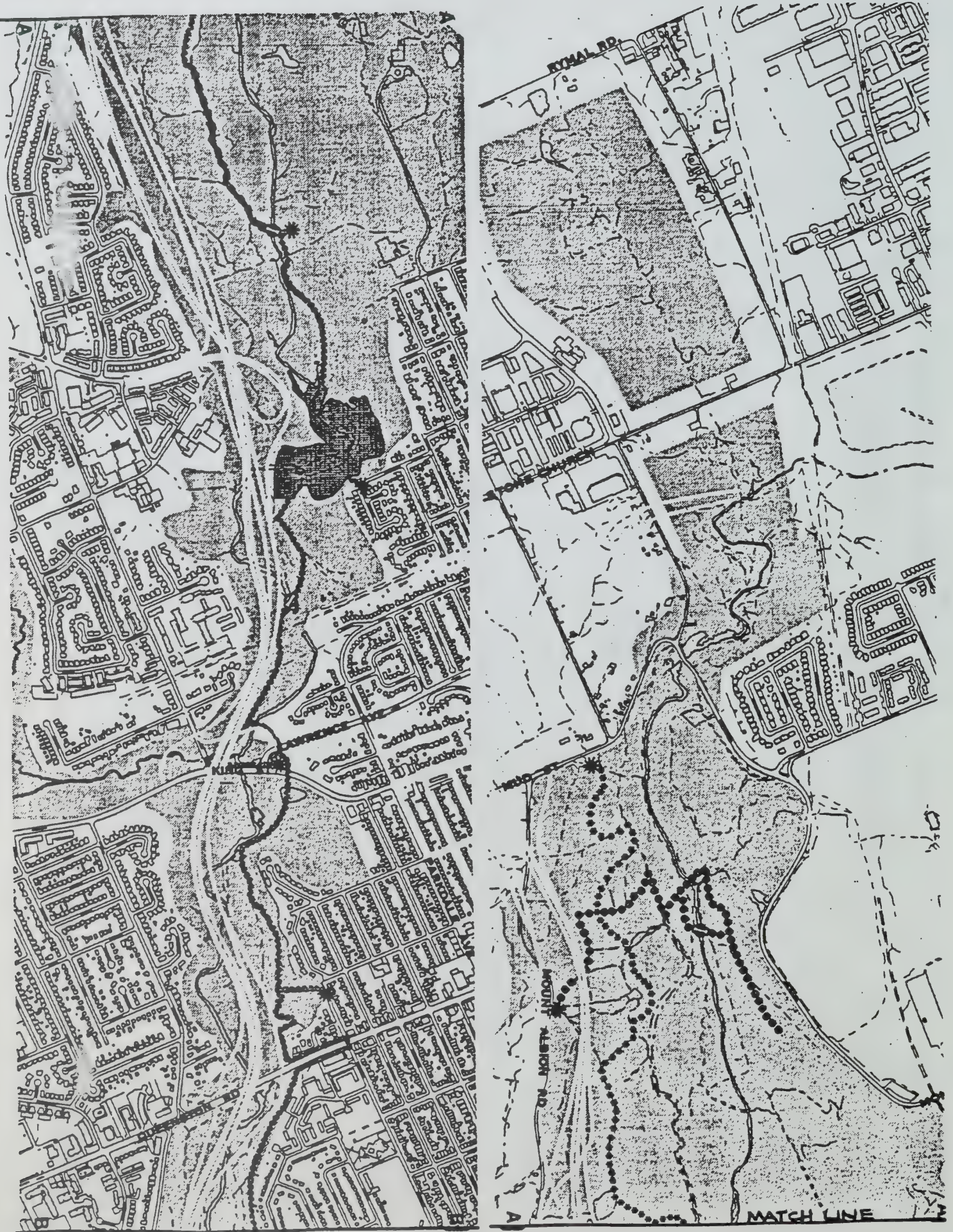
MAJOR ENTRANCE POINTS

PROPOSED TRAILWAY LAYOUT

TRAIL SYSTEM + MAPPING (LAYOUT PLAN)



1995 September 26



REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **EIGHTEENTH** Report for 1995 and respectfully recommends:

1. That Zoning Application ZAC-95-22, 712169 Ontario Limited (G. Malatesta), owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District, to permit development for townhouse dwellings, for lands located at No. 1232 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A", be denied on the following basis:
 - (a) The application conflicts with the Approved Randall Neighbourhood Plan, which designates the rear portion of the lands "SINGLE AND DOUBLE RESIDENTIAL"; and,
 - (b) Approval of the application is premature pending consolidation of the subject lands with the adjoining lands to the south (No. 1238 Upper Gage Avenue and the front portion of No. 1244 Upper Gage Avenue) in order that these lands can be developed on a comprehensive basis; and,
 - (c) Approval of this application may encourage other similar applications (ie. for the front portion of 1244 Upper Gage Avenue), which if approved, would undermine the intent of the Neighbourhood Plan.
2. A. That approval be given to amended Zoning Application 95-11, 1104729 Ontario Ltd., (Alan Goulding), owner, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Residential, etc.) District for Block "1", from "AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District, modified for Block "2", and from "G-3" (Public Parking Lots) District, modified to "H" (Community Shopping and Commercial, etc.) District, modified for Block "3" for the property located at the rear of No. 141 Queenston Road, shown on the attached map marked as APPENDIX "B", on the following basis:
 - (a) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision

will prohibit the development of the subject lands until the applicant has entered into satisfactory servicing arrangements, agreements and/or easements for municipal storm and sanitary sewers, and water services with the Region to the satisfaction of the Roads and Environmental Services Department of the for Blocks "1", "2" & "3" of subject lands; and,

- (b) Removal of the holding restriction shall be conditional upon the Roads and Environmental Services Department advising in writing that the applicant has arranged satisfactory servicing and entered into the appropriate agreements, and any required works for Block "1", "2" & "3". City Council may remove the 'H' symbol, and thereby give effect to the "R-4" & "H" District provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled; and,
 - (i) That Block "1" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Residential, etc.) District; and,
 - (ii) That Block "2" be rezoned from "AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District; and,
 - (iii) That Block "3" be rezoned from "G-3" (Public Parking Lots) District, modified to "H" (Community Shopping and Commercial, etc.) District; and,
 - (iv) That the "H" (Community Shopping and Commercial, etc.) District regulations, as contained in Section 14 of Zoning By-law No. 6593, applicable to Blocks "2" and "3", be modified to include the following variances as special provisions:
 - 1. That notwithstanding Section 14. of Zoning By-law No. 6593, only an auto repair garage except paint and autobody repair and a manual carwash consisting of eight (8) bays, shall be permitted; and,
 - 2. Notwithstanding Section 14.(1)(xvi) of Zoning By-law No. 6593, only one (1) business identification sign that is a wall sign and having vertical dimension of not more than 0.6 metres, and area of not more than 5.6 square metres shall be permitted; and,
 - 3. No sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination; and,
 - 4. That a landscape area not less than 6.0 m in width and a visual/acoustical barrier between 1.8 m and 2.0 m in height shall

be provided and maintained along the entire northerly boundary of Block "2", where the lot adjoins a residential district; and,

5. That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1347, and the subject lands on Zoning District Map E-123 & E-124 be notated S-1347; and,
6. That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-123 & 124 for presentation to City Council;
7. That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

B. That Site Plan Control By-Law No. 79-275 as amended by By-Law No. 87-223 be amended by adding Blocks 2 and 3 to Schedule "A".

3. (a) That application SAC-91-01 (Regional File No. 25T-91002(R)), Owen Jackson et. al., owner, to establish a draft plan of subdivision "Nash Acres", for lands located at the northerly end of Derek Court, south of King Street East, as shown on the attached map marked as APPENDIX "C", be DENIED for the following reasons:
 - (i) The proposal conflicts with the general intent of the City of Hamilton Official Plan; and,
 - (ii) The proposal conflicts with the general intent of the Hamilton-Wentworth Official Plan; and,
 - (iii) The proposal conflicts with the general intent of the approved Gershome Neighbourhood Plan; and,
 - (iv) The proposal does not comply with the City of Hamilton Zoning By-law No. 6593; and,
 - (v) The proposal is considered to be premature pending the applicant demonstrating the suitability of the subject lands for development; and,
 - (vi) The subject lands are located in the Red Hill Creek - King's Forest Environmentally Sensitive Area. In this regard, the proposal would negatively affect the ESA.

- (b) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.
4. (a) That approval be given to application SAR-95-09 (Regional File No. 25T-95001), Shedaco Holdings Limited, owner, to establish a draft plan of subdivision "Parkside Courts", on lands located south of Rymal Road West and east of Upper Paradise Road in the Carpenter Neighbourhood, as shown on the attached map marked as APPENDIX "D" subject to the following conditions:
- (i) That this approval apply to the plan, as revised in red, prepared by A.J. Clark and Associates Ltd. and certified by B.J. Clark, O.L.S., dated January 27, 1995, showing 22 lots for single detached dwellings, 6 blocks for future residential purposes and 1 block for future development with adjacent lands for parkland, as shown on the attached map marked as APPENDIX "E"; and,
 - (ii) That the Owner acquire all necessary lands to establish Street "A" to its full 20.0m width and that these lands be conveyed to the City of Hamilton prior to registration of the final plan of subdivision; and,
 - (iii) That Blocks 23 to 28 inclusive, on the red-line revised plan, must be developed in conjunction with adjacent lands; and,
 - (iv) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes; and,
 - (v) That the Owner convey Block 29 to the City of Hamilton by deed for Park/Open Space purposes and that the value of Block 29 be credited towards the cash payment required in lieu of the conveyance of 5% of the land for parkland included in the plan; and,
 - (vi) That the Owner, at the time of services installation on Street "A", provide water, sanitary and storm sewers and hydro electric services to the property line at Block 29; and,
 - (vii) That the Owner enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands; and,
 - (viii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,

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- (ix) That the owner prepare and submit, to the satisfaction of the City of Hamilton, a municipal street numbering plan; and,
 - (x) That the final plan conform with the Zoning By-law approved under the Planning Act; and,
 - (xi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan; and,
 - (xii) That the proposed plan of subdivision not be registered until the applicant has applied for the removal of the holding provision on the subject lands from the zoning by-law; and,
 - (xiii) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,
 - (xiv) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton; and,
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-95001), Shedaco Holdings Limited, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,
- (c) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.
5. (a) That City Council request Regional Council to delegate the authority for consents to the City of Hamilton.
- (b) That upon delegation of authority for consent from Regional Council, City Council delegate, by by-law, the authority to the Committee of Adjustment.
- (c) That the Building Department be responsible for the processing and administration of applications for consent. The Planning Department will be

responsible for providing cartographic support services to the Building Department on a cost-for-service basis where required.

- (d) That the City Clerk notify the Regional Clerk and the Regional Commissioner of Planning and Development of Council's decision.
- 6.
- (a) That pursuant to section 38 of the Ontario Heritage Act, the owner of 66 and 68 King Street East (Victoria Hall and The MacKay Building) be notified that the City requires an inspection of the interior of the property by its Building Commissioner or his designate to assist the City in determining the action the City may pursue to provide for preservation of the property's value as a property of historic and architectural significance; and,
 - (b) That, in accordance with section 36(2) of the Ontario Heritage Act and sec.28(3) of the Planning Act, in order to expropriate the property known municipally as 66 and 68 King Street East (Parts 1 & 2, Ref Plan 62R-7339), to provide for the community improvement and preservation of this streetscape and its historical aspects, the City Clerk be authorized and directed to:
 - (i) give Notice of the City's application to all owners, registered owners and tenants (as defined in the Expropriations Act) of the said lands; and,
 - (ii) advertise Notice of the City's application in a newspaper as required by the Expropriations Act; and,
 - (iii) sign and receive the said application for approval of the expropriation.
7. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, nine hundred and eighty-two dollars (\$1,982.) be approved for Bibi Ahad, 85 Gibson Avenue. The interest rate will be 8 per cent amortized over 5 years.
- 8.
- (a) That a Commercial Loan in the amount of twelve thousand, nine hundred and ninety (\$12,990.) to Angela Agostino for improvements to 399 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 1/8 per cent, amortized over 10 years; and,

- (b) That a grant from the Barton Street Revitalization Fund in the amount of six thousand, four hundred and ninety-five (\$6,495.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program; and,
 - (c) That the grants to business land owners referred to above be subject to the following conditions being fulfilled:
 - (i) Preparation and enactment of a By-law in a form satisfactory to the City Solicitor to amend By-law 88-12, being the By-law to adopt "The Barton General Community Improvement Plan" in order that the Plan may include the revised Barton Street Revitalization Program adopted by Council on 1995 March 28, (Item 2, 10th Report, Planning and Development Committee), including the following points:
 - 1. Grants to business land owners who have Commercial Loans from the city for a sum of up to 1/2 of the outstanding loan principal of a loan made for the purpose of paying for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the Community Improvement Plan; and,
 - 2. Grants to business land owners who intend to rehabilitate their lands and buildings in conformity with the Community Improvement Plan to cover the costs of building permit fees, Committee of Adjustment applications, Property Compliance Reports due to the City; and,
 - 3. Grants to business land owners to cover all or a portion of the cost of decorative murals to be erected on their lands to rehabilitate these lands and buildings in conformity with the Community Improvement Plan.
9. (a) That a Commercial Loan in the amount of eleven thousand, four hundred and thirty-two dollars (\$11,432.) to Sang-Kuen Jun and Wae-Sook Jun for improvements to 397 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set a 4 1/8 per cent, amortized over 10 years; and,
- (b) That a grant from the Barton Street Revitalization Fund in the amount of five thousand, seven hundred and sixteen dollars (\$5,716.) be utilized to pay-down

this Commercial Loan as per the terms of the Barton Street Revitalization Program; and,

- (c) That the grants to business land owners referred to above be subject to the following conditions being fulfilled:

- (i) Preparation and enactment of a By-law in a form satisfactory to the City Solicitor to amend By-law 88-12, being the By-law to adopt "The Barton General Community Improvement Plan" in order that the Plan may include the revised Barton Street Revitalization Program adopted by Council on 1995 March 28, (Item 2, 10th Report, Planning and Development Committee), including the following points:

1. Grants to business land owners who have Commercial Loans from the City for a sum of up to one half of the outstanding loan principal of a loan made for the purpose of paying for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the Community Improvement Plan; and,
2. Grants to business land owners who intend to rehabilitate their lands and buildings in conformity with the Community Improvement Plan to cover the costs of building permit fees, Committee of Adjustment applications, Property Compliance Reports due to the City; and,
3. Grants to business land owners to cover all or a portion of the cost of decorative murals to be erected on their lands to rehabilitate these lands and buildings in conformity with the Community Improvement Plan.

10. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of eight hundred and nineteen dollars (\$819.) be approved for Mr. and Mrs. Franco, 251 Bay Street North, Hamilton. The interest rate will be 8 per cent amortized over five (5) years.
11. That the Building Commissioner be authorized to issue a demolition permit for 39 Colquhoun Crescent in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

12. That the concept plan for the redevelopment of the West Avenue School Court Yard (attached as APPENDIX "F") be approved for implementation under the Barton Street Revitalization Program at an estimated cost of \$75,000.
13.
 - (a) That each applicant under the Rental Housing Protection Act be required to submit a statutory declaration to confirm service of the required "Form 1" notice; and,
 - (b) That the Planning and Development Department be authorized to hold a tenants' meeting with the affected tenants concerning an application under the Rental Housing Protection Act; and,
 - (c) That the Planning and Development Department be authorized to provide option sheets to tenants for those applications approved by Council and that the related costs be reviewed for inclusion in the updated fee schedule for planning applications.
14. That the total outstanding Commercial Loan for I, Margaret Higgins, 245 King William Street, Hamilton, in the amount of twenty five thousand, four hundred and seventy dollars and four cents (25,470.04) be placed on the tax rolls.
15.
 - (a) That the owners of Lot 52, Mr. and Mrs. E. Atamanchuk, through their solicitor, on a with out prejudice basis, be given until 1995 October 17, to accept the proposal for remedial grading works outlined in APPENDIX "G"; and,
 - (b) That provided the owners of Lot 52, Mr. and Mrs. Atamanchuk accept the proposal set out in APPENDIX "G" by 1995 October 17:
 - (i) the City use the security posted by the subdivider to complete remedial grading works on Lots 37, 52 and 55 in Trenholme Survey, as outlined in Appendix "G"; and,
 - (ii) the City relocate the catch basin on Lot 52 from its present location to the south east corner of the back yard at an estimated cost of \$1,500.00; and,

- (iii) the Treasury Department be requested to identify a source of funding for the relocation of the catch basin in (ii) above; and,
 - (c) That in the event the owners of Lot 52, Mr. and Mrs. E. Atamanchuk do not accept the proposal set out in APPENDIX "A" prior to 1995 October 17, the City proceed with the proposal set out in APPENDIX "H"; and,
 - (d) That the security deposit for this subdivision be released by 1995 December 31.
-
- 16. That a Hamilton Rehabilitation Program Loan in the amount of ten thousand and twelve dollars (\$10,012.) be approved for Parres Anthony and Dianne Gail Kempa, 67 Firenze Street. The interest rate will be 3 per cent for five (5) years and at the prime rate or less for the remaining term of the loan (being 10 years).
 - 17. That a Hamilton Rehabilitation Program Loan in the amount of eleven thousand two hundred and thirty-seven dollars (\$11,237.) be approved for Bernard Joseph and Carol Sobinski, 75 Firenze Street. The interest rate will be 3 per cent for five (5) years and at the prime rate or less for the remaining term of the loan (being 10 years).
 - 18. That a Hamilton Rehabilitation Program Loan in the amount of eighteen thousand two hundred and ninety-three dollars (\$18,293.) be approved for Leslie and Ann Winnifred Allan, 79 Firenze Street. The interest rate will be 3 per cent for five (5) years and at the prime rate or less for the remaining term of the loan (being 10 years).
 - 19. That a Hamilton Rehabilitation Program Loan in the amount of fifteen thousand eight hundred and seventy-three (\$15,873.) be approved for Giuseppe and Fiorina Merone, 83 Firenze Street. The interest rate will be 3 per cent for five (5) years and at the prime rate or less for the remaining term of the loan (being 10 years).
 - 20. That a Hamilton Rehabilitation Program Loan in the amount of ten thousand four hundred and eight-seven dollars (\$10,487.) be approved for Ewert and Sybil Phillpotts, 87 Firenze Street. The interest rate will be 3 per cent for five (5) years and at the prime rate or less for the remaining term of the loan (being 10 years).

1995 September 26

21. That a Hamilton Rehabilitation Program Loan in the amount of seven thousand eight hundred and seventy-one dollars (\$7,871.) be approved for Paul Frederick and Leah Joan Murdock Gerics, 91 Firenze Street. The interest rate will be 3 per cent for five (5) years and at the prime rate or less for the remaining term of the loan (being 10 years).

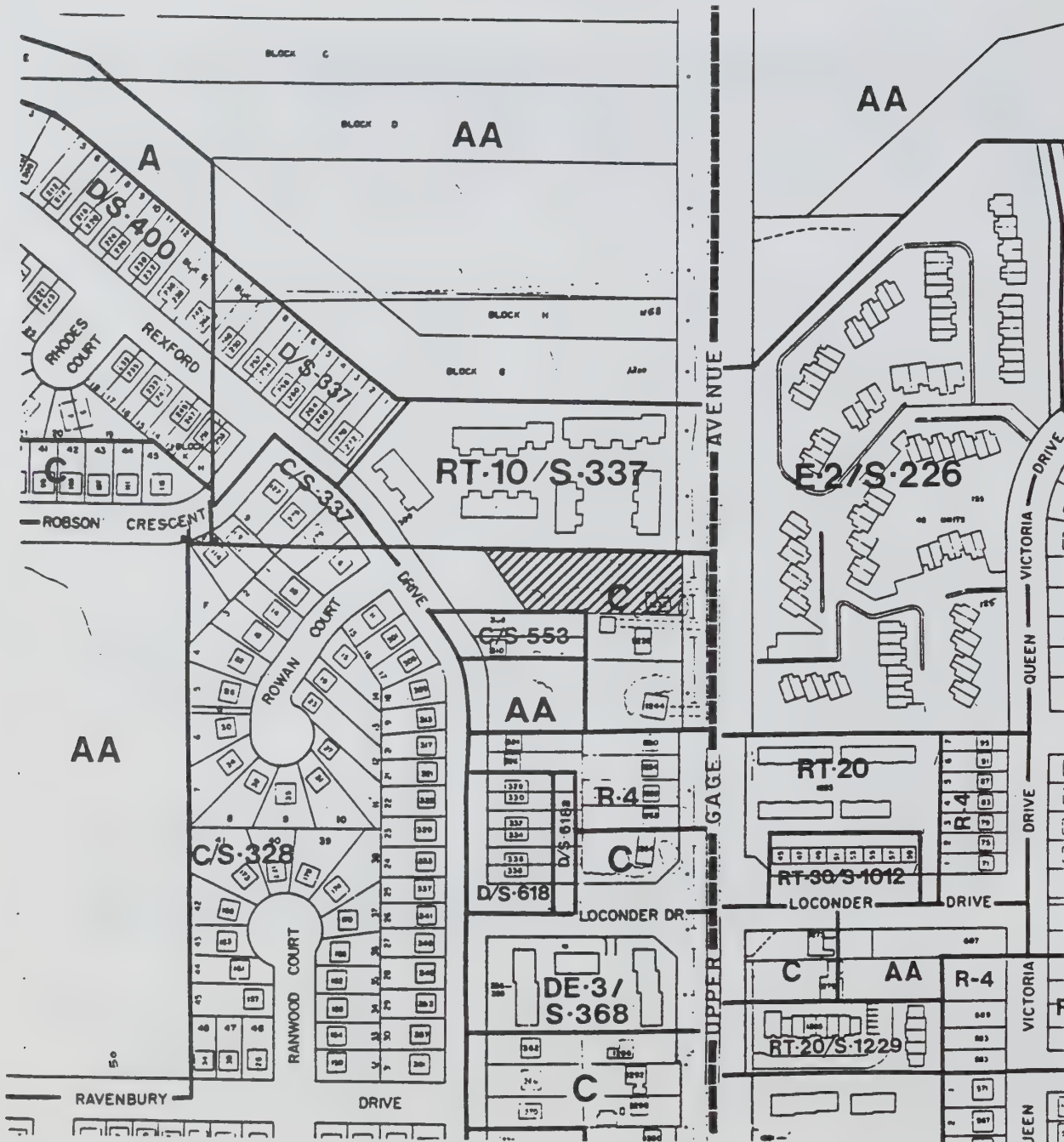
22. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
 - (a) C-53 A By-law to Revise the Barton General Community Improvement Plan.
 - (b) C-54 A By-law Respecting the Making of Loans for Repairs to Retaining Walls.
 - (c) C-55 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located at Municipal Nos. 1451-1477 Upper James Street.

Respectfully submitted,

**ALDERMAN DRURY, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE**

**Tina Agnello
Secretary
1995 September 26**

1995 September 26



Legend



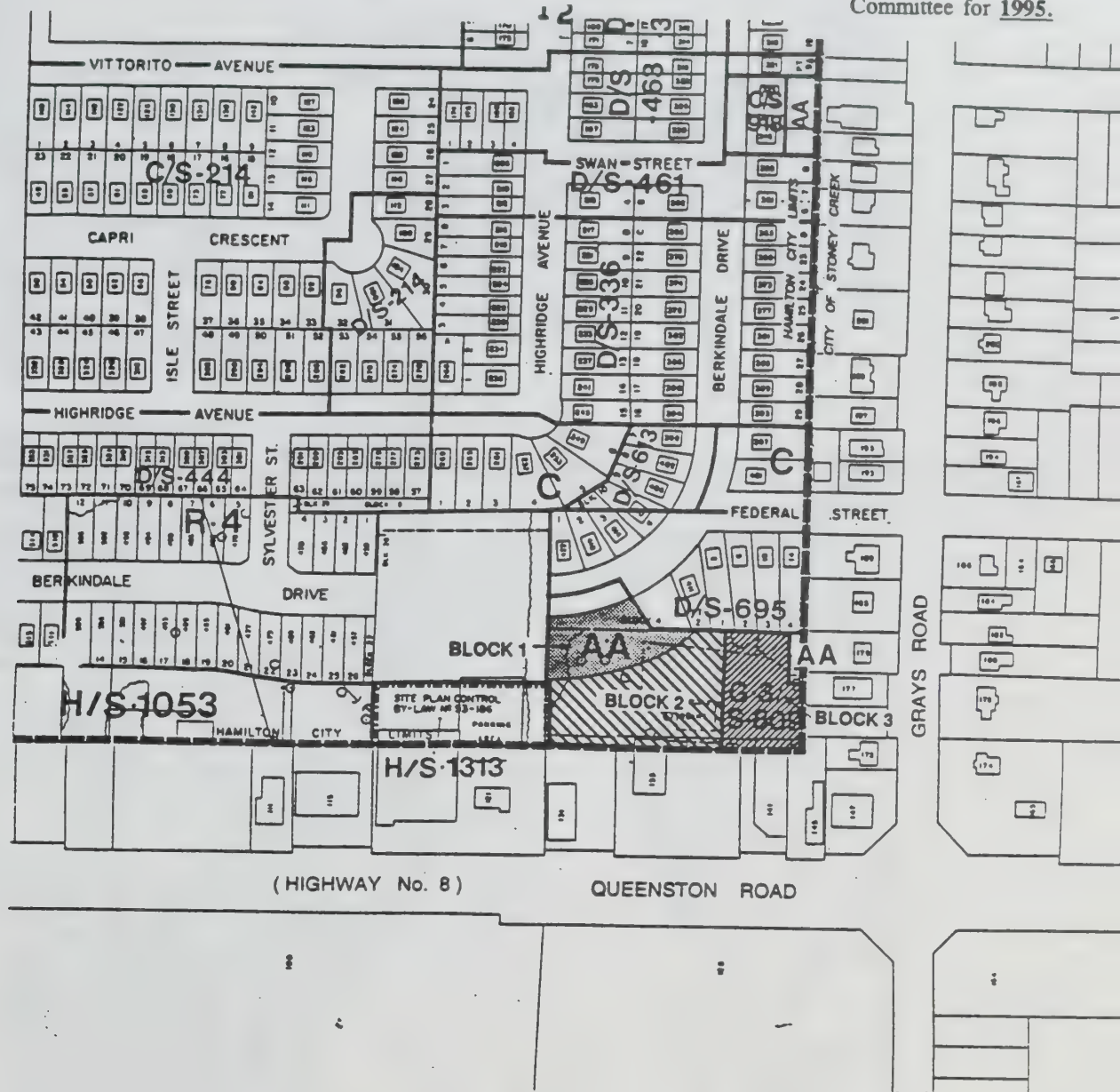
Site of the Application



APPENDIX A

1995 September 26

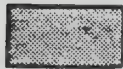
Appendix "B" referred to in Section 2 of the EIGHTEENTH Report of Planning and Development Committee for 1995.



Legend

Proposed change in zoning from:

BLOCK 1



"AA" (Agricultural) District to "R-4" (small lot single family dwelling) District

BLOCK 2



"AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District, modified.

BLOCK 3



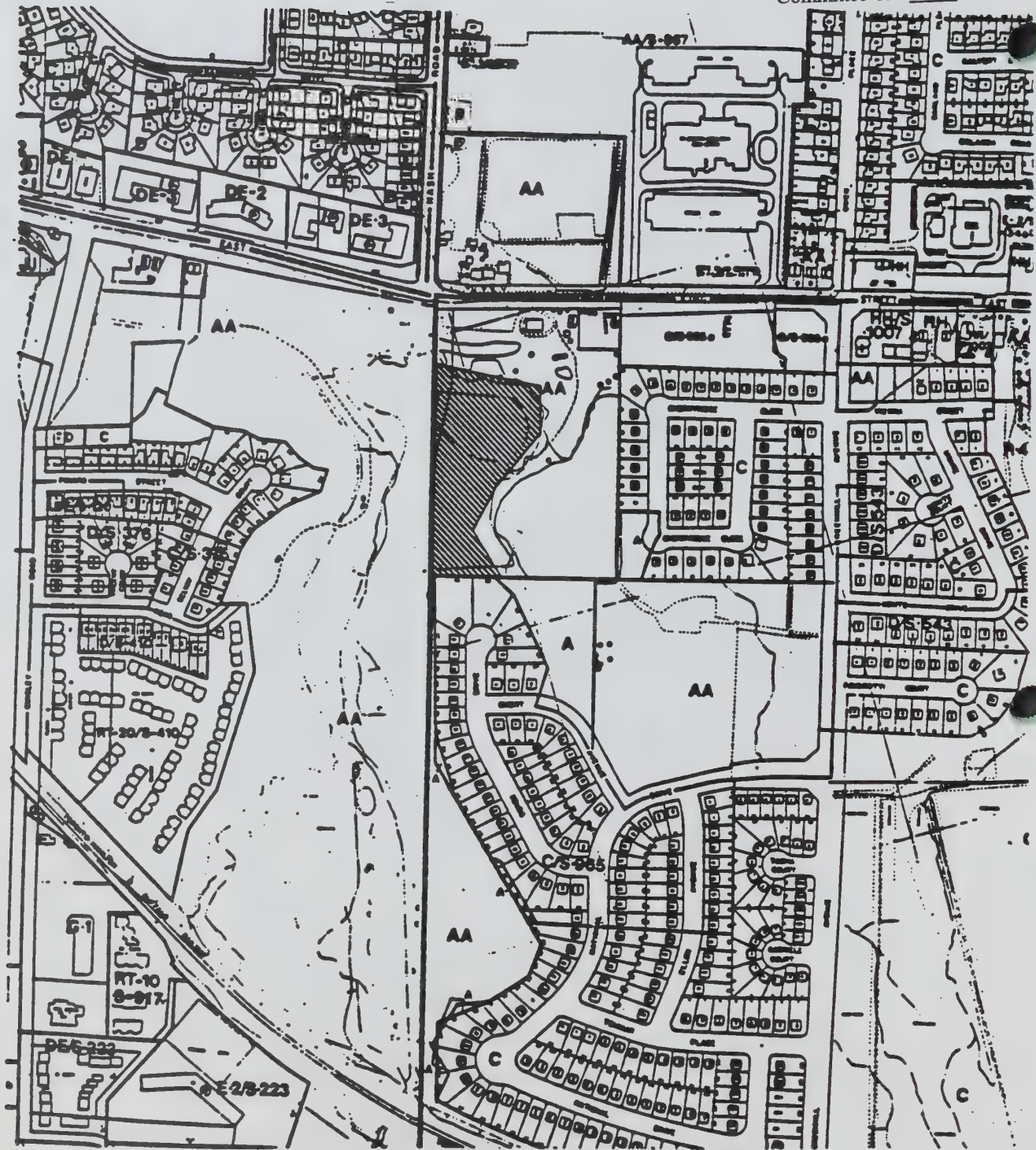
"G-3" (Public Parking Lots) District, modified to "H" (Community Shopping and Commercial, etc.) District, modified.

ZAC-95-11

APPENDIX A

1995 September 26

Appendix "C" referred
to in Section 3 of the
EIGHTEENTH Report of the
Planning and Development
Committee for 1995.



Legend

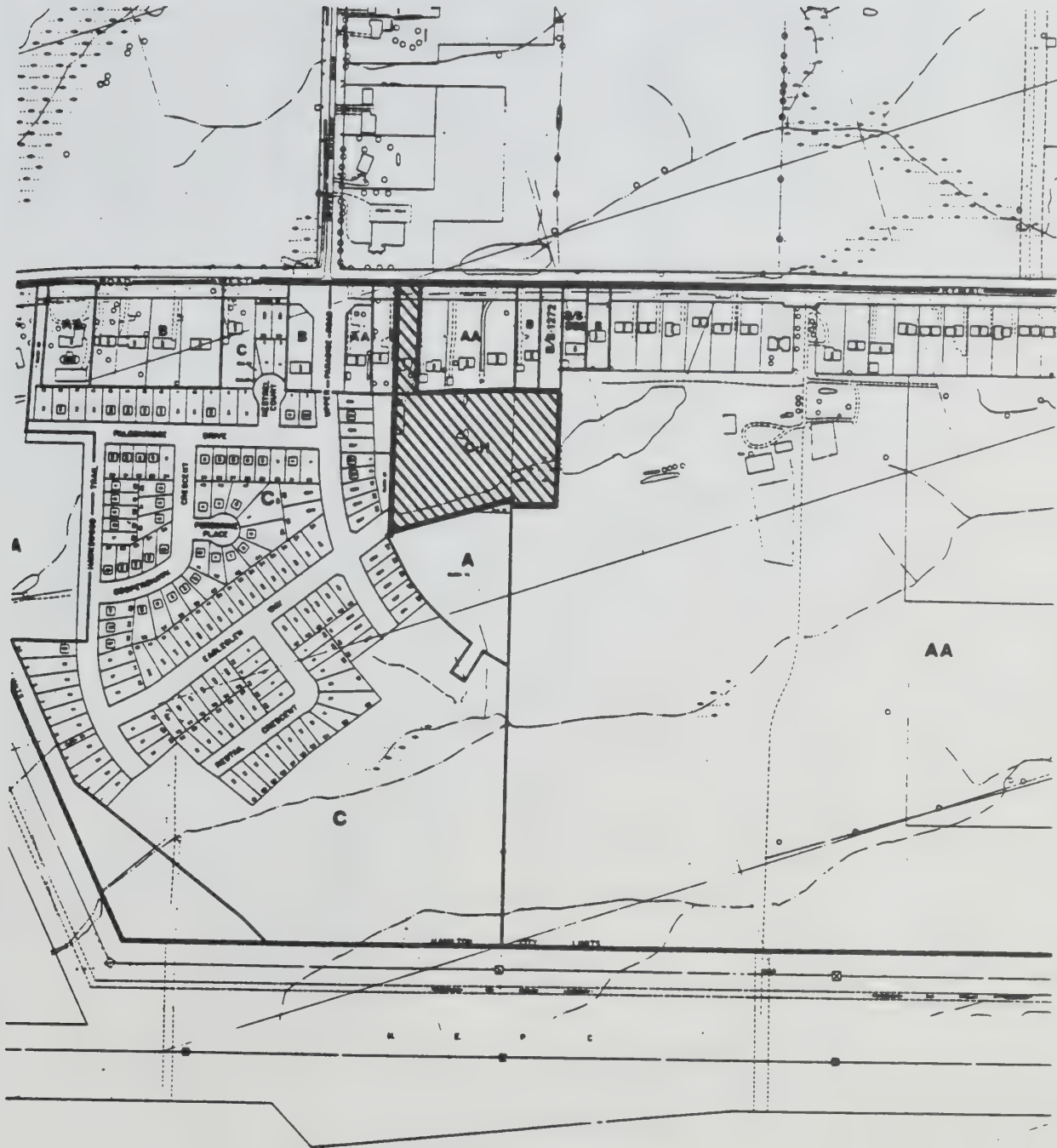


Site of the Application



SAC-91-01

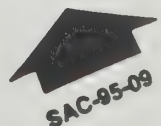
1995 September 26



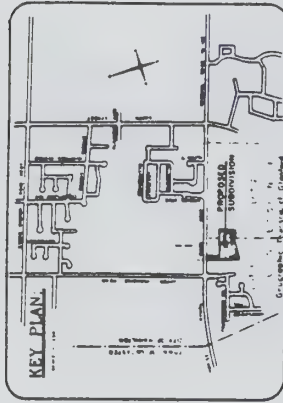
Legend



Site of the Application



1995 September 26



DRAFT PLAN OF

Parkside Courts

BEING A PROPOSED SUBDIVISION OF
PART OF LOTS 1 AND 2-CONCESSION 1
GEOGRAPHIC TOWNSHIP OF GLANFORD
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WATERLOO

SCALE: 1" = 50'

DATE: 1995

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND MILLIMETERS. (CONVERTED TO FEET BY DIVIDING BY 0.3048)

RE CHAPTER P13-R30 - 1990 SECTION 81(1) THE PLANNING ACT

1. Surveyor's name: J. E. A. S. 1995

2. Surveyor's address: 1000 Main Street, Hamilton, Ontario L8N 1A1

3. Surveyor's phone: (905) 571-1111

4. Surveyor's fax: (905) 571-1111

5. Surveyor's email: j.e.a.s.1995@rogers.com

6. Surveyor's website: www.jeas1995.com

7. Surveyor's license: 1995

8. Surveyor's registration: 1995

9. Surveyor's certification: 1995

10. Surveyor's signature: J. E. A. S. 1995

11. Surveyor's date: 1995

SURVEYOR'S CERTIFICATE:

I, J. E. A. S. 1995, being the Surveyor, do hereby certify that the above is a true and correct copy of the original plan as filed in my office.

OWNER'S AUTHORIZATION:

I, J. E. A. S. 1995, being the Owner, do hereby authorize the Surveyor to prepare and file this plan.

LAND USE SCHEDULE:

1. Single Family Residential (R1)

2. Medium Density Residential (R2)

3. High Density Residential (R3)

4. Commercial (C1)

5. Industrial (I1)

6. Agricultural (A1)

7. Forest (F1)

8. Water (W1)

9. Other (O1)

SUBDIVISION DRAFT APPROVAL:

1. Name of the subdivision: Parkside Courts

2. Location of the subdivision: Geographic Township of Glanford, City of Hamilton, Regional Municipality of Hamilton-Waterloo

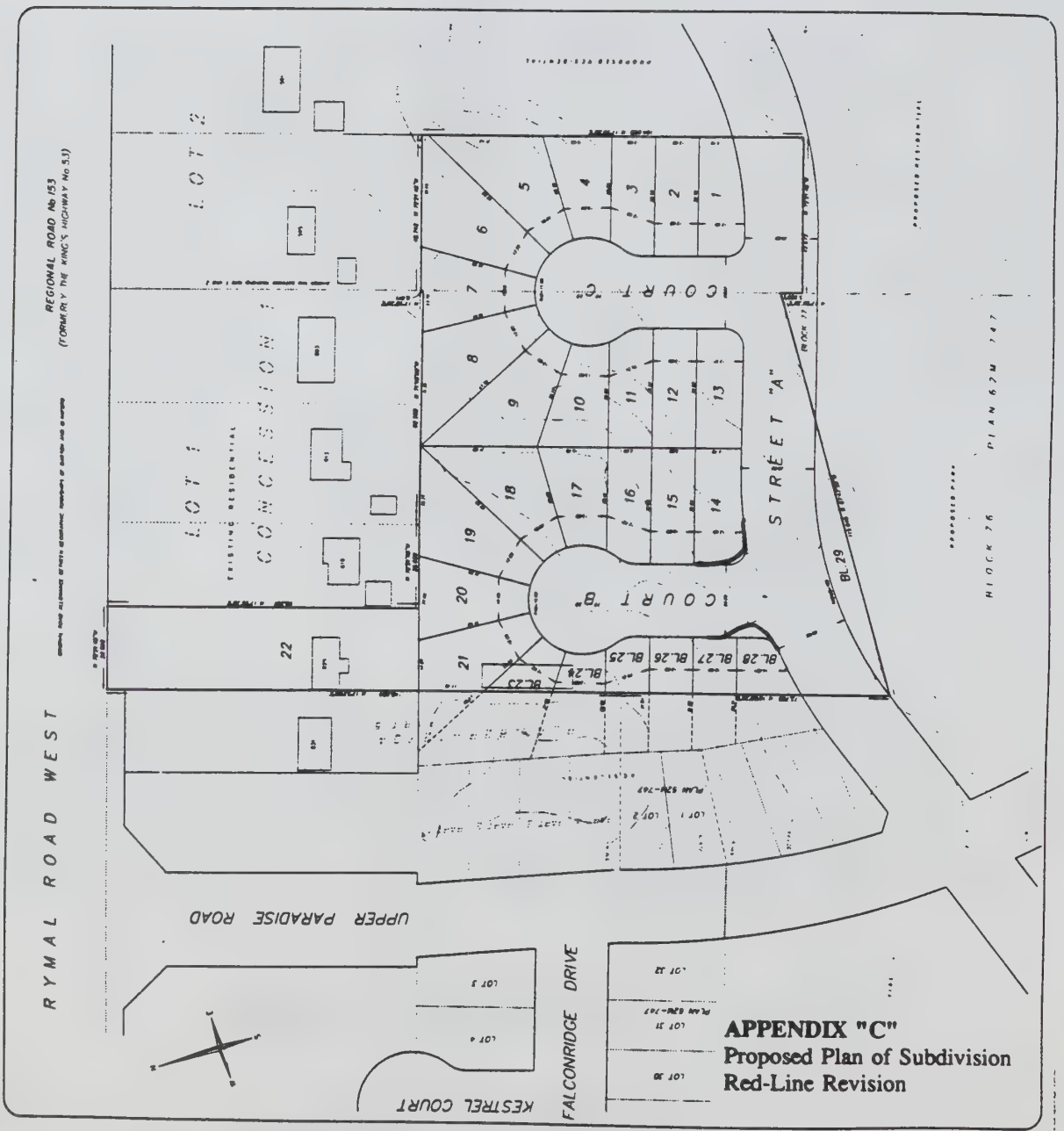
3. Date of approval: 1995

4. Signature of the Surveyor: J. E. A. S. 1995

5. Signature of the Owner: J. E. A. S. 1995

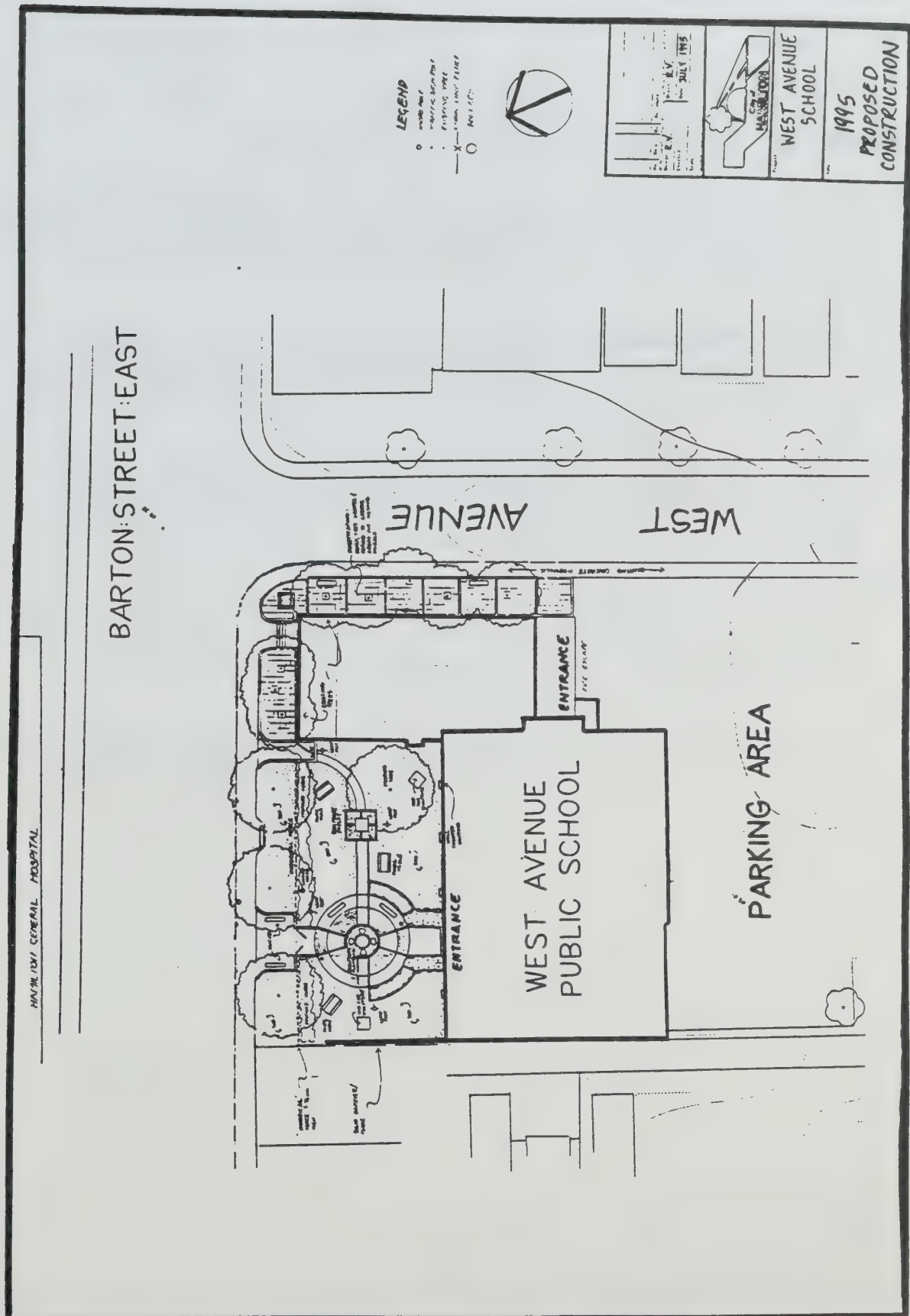
A. A. J. Clark and Associates Ltd.

1995



1995 September 26

APPENDIX A



1995 September 26

APPENDIX "A"

Relocate the Catch Basin on Lot 52 and Construct Retaining Walls

- a) The City will relocate the existing catch basin into the south east corner of the yard of lot 52, extend the catch basin lead, and fill the catch basin sump with concrete to create a sumple catch basin at an estimated cost of \$3,000.00 of which the City's share will be approximately \$1,500.00.
- b) The City will construct precast concrete retaining walls on lot 52, varying in height from approximately 0m to 0.75m along both the east side for an approximate length of 10m, and along the south side, for an approximate length of 5m, at the subdivider's expense of approximately \$3,000.00.
- c) The City will use the security posted by the subdivider to pay for the original installation cost of the catch basin on lot 52 (\$9,570.62), and use the security to pay for two additional outstanding invoices.
- d) The City will offer, to the owners of lots 37 and 55, to install subdrains on lots 37 and 55 and connect same into the catch basin on lot 52, to cut a swale along the north side of lot 55 adjacent to lot 52 and to then regrade and resod as required at the subdivider's expense of approximately \$1,500.00.
- e) The City will offer to the owner of lot 51, to connect the existing subdrain on that property into the catch basin on lot 52 at the subdivider's expense of approximately \$300.00.

1995 September 26

APPENDIX "B"

Do Nothing Approach on Lot 52

- a) No work will be completed on lot 52.
- b) The City will use the security posted by the subdivider to pay for the original installation cost of the catch basin on lot 52 (\$9,570.62), and use the security to pay for two additional outstanding invoices.
- c) The City will offer, to the owners of lots 37 and 55, to install subdrains on lots 37 and 55 which will be connected to the rainwater leaders at the rear of the corresponding houses and to then regrade and resod as required at the subdivider's expense of approximately \$1,000.00.

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWENTY-SECOND** Report for 1995 and respectfully recommends:

1. (a) That the City of Hamilton endorse the empowering of the Regional Municipality of Hamilton-Wentworth to regulate smoking in public places and workplaces in accordance with Section 21(14) of the Tobacco Control Act; and,

 (b) That recommendations (b), (d), (e), (g), (h), (k), (l) and (m) of the Report of the Medical Officer of Health respecting "Smoke-Free Hamilton by the Year 2000", attached herewith and marked Appendix "A" be approved.
2. (a) That the City resolve Ontario Court (General Division) Action No. 3461/93, by the payment to the Plaintiff Lucy Ecker, of the sum of \$10,000., inclusive of all claims for damages, interest and costs; and,

 (b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,

 (c) That Ontario Court (General Division) Action No. 3461/93 be dismissed, without costs.
3. (a) That the report on USARCO Limited Clean-Up costs dated 1995 September 8th from the City Solicitor be received; and,

 (b) That notwithstanding the Environmental Compensation Corporation's interim decision, the Mayor be requested to advise the Province of their responsibility for the clean-up of this particular site, outlining the chronology of events and role of Provincial Ministries.
4. That Outstanding Business Taxes in the amount of \$411,529.10 be written-off in accordance with Section 441 of the Municipal Act, R.S.O. 1990 and charged to Account CH53401 24106, Tax Write-offs.

5. That effective 1995 September 30, Deputy Fire Chief Garry H. Smith be appointed Fire Chief subject to the agreed terms and conditions.
6.
 - (a) That the Line Department Heads be responsible for the entire Capital Project, including Budget and Reporting Accountability, to the appropriate Standing Committee and Council including all phases of any project:
 - (i) Initiation
 - (ii) Feasibility Studies
 - (iii) Cost/Benefit Scenario including Grants and Subsidies
 - (iv) Preliminary Design
 - (v) Detailed Design
 - (vi) Tendering
 - (vii) Construction
 - (b) That the Architectural Division in the Property Department be discontinued; and,
 - (c) That the City of Hamilton retain its existing staff to provide Project Management; and,
 - (d) That the Treasurer be directed to establish annualized bases for the 5 staff at an estimated amount of \$240,000; and,
 - (e) That staff be allocated to the Culture and Recreation Department to undertake Project Management of Culture and Recreation Projects and other responsibilities as assigned; and,
 - (f) That staff be allocated to the Building Department to undertake Project Management for the Organization and to assume other responsibilities as assigned; and,
 - (g) That the Director of Culture and Recreation and the Building Commissioner review the workloads and advise the Committee on which staff should be assigned to which Department with the appropriate annualized base; and,
 - (h) That the Barrier Free Design and Implementation be resident in the Culture and Recreation Department; and,
 - (i) That the City's Capital Budget Sub-Committee establish requirements and criteria for proposed buildings and facilities.

7. (a) That City of Hamilton By-law 79-144, respecting Adult Entertainment Parlours, be amended as follows:
- (i) That all operators of a licensed Adult Entertainment Parlour post in an area, accessible and visible to patrons and employees, a notice informing patrons of the following:
 - (1) The possibility of sexually transmitted diseases from physical contact; and,
 - (2) Criminal Code provisions, respecting assault, for the touching of any dancer without permission; and,
 - (3) Criminal Code provisions, respecting obscenity and indecent acts; and,
 - (ii) That the words "lap dancing", or any similar or synonymous words or phrases, be prohibited from being used in signs or advertisement to promote the business; and,
 - (iii) That an owner or operator of an Adult Entertainment Parlour shall not permit an attendant to touch or be touched by, or have physical contact with another person's body; and,
 - (iv) That an attendant shall not touch or have physical contact with another person's body; and,
- (b) That the Hamilton-Wentworth Regional Police be urged to take the appropriate measures to enforce the prohibition against "common bawdy houses" and similar violations of the Criminal Code; and,
- (c) That the Health Services Department be requested to introduce a program to warn persons (dancers and customers) of the public health dangers associated with lap dancing; and,
- (d) That City Council support the Provincial Government's announced intention to legislatively prohibit lap dancing; and,
- (e) That City Council request the Federal Government to amend the Criminal Code to declare lap dancing illegal or indecent; and,
- (f) That the City Clerk report back to the Finance and Administration Committee in one month's time on the compliance to the above-noted recommendations.

8.
 - (a) That the request for Property Tax relief from the Royal Canadian Legion Branch 163 for 1995 in accordance with the Policy on Tax Exemption for Veteran's Associations adopted by City Council on 1981 September 29, be approved in the amount of \$15,484.37; and,
 - (b) That this exemption be funded as an approved overdraft of the Tax Adjustments Centre #CH 24102; and,
 - (c) That this exemption reflects the third year of ten years that the policy allows for this exemption and will require applications for future years on a yearly and per need basis.
9.
 - (a) That an Offer to Purchase Agreement, duly executed by Carmine Ricciarcone, on 1995 August 28 and scheduled to close on or before 1995 November 17, for the lands situated in the Regional Municipality of Hamilton-Wentworth and being composed of part of Lot 33, Concession 2, more particularly described as Parts 1 and 2, Plan 62R-6433, being an irregular shape having frontage along the westerly limit of Parkdale Avenue North of 16.980 metres (55.70 feet) more or less, and a depth along the southerly limit of Britannia Avenue of 34.442 metres (112.933 feet) more or less, and comprising a total area of 607.7 square metres (6,541.44 square feet) as shown in heavy outline on Plan 62R-6433 attached to the agreement and known as 195 Parkdale Avenue North, Hamilton, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Property Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City, and funds derived from this sale of \$75,000., less commission, be credited to Account No. CH 4X501 00202 (Reserve for Off Street Parking); and,
 - (b) That the required deposit cheque in the amount of \$3,750. be held by the City Treasurer pending Council approval; and,
 - (c) That upon successful completion of this sale, a real estate commission of 5% on the \$75,000. sale price be paid to Royal LePage Residential Realty Services (Nicholas Uhac, Representative), who acted in this matter; and,
 - (d) That this Offer to Purchase be subject to the following conditions:
 - (i) The Purchaser acknowledges and agrees that the Purchaser will be required to enter into, at its sole expense, a Site Plan Agreement with and satisfactory to the City should the property be used for parking purposes; and,

- (ii) The Purchaser acknowledges and agrees that on or before closing it will enter into an encroachment agreement with the City of Hamilton in respect of an encroachment onto Britannia Avenue along the northerly boundary of the property; and onto Parkdale Avenue North along the easterly boundary (if any encroachment exists) which agreement shall be registered on title to the property of the expense of the Purchaser, contemporaneously with the Transfer/Deed on closing; and,
 - (iii) The City makes no representation, warranty, condition either expressed or implied as to soil conditions, building fitness, services, utilities, fitness for purpose of zoning and building by-laws, park, road widening or other possible dedications, or as to charges, levies and regulations of the City, the Regional Municipality, utilities or other regulatory authorities. The Purchaser shall inspect the property and shall satisfy himself in respect of such matters prior to submitting this Offer; and,
- (e) That the Mayor and City Clerk be authorized and directed to execute the necessary documents; and,
- (f) That in accordance with Real Property Sales Procedural By-law No. 95-049:
 - (i) Satisfactory notice has been given to the public of the intended sale; and,
 - (ii) An appraisal of the market value of the real property intended to be sold was obtained on the 15th day of August 1995; and,
 - (iii) The City Clerk be authorized and directed to execute (and issue) a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act.
- 10.
 - (a) That the Director of Property continue to work with Hamilton Habitat for Humanity to obtain a suitable City lot for residential development purposes; and,
 - (b) That the proceeds to be derived from the sale of 11 Arthur Avenue South be set aside for Hamilton Habitat for Humanity for the sole purpose of assisting the organization to purchase a lot upon which to erect a residential dwelling.

11. (a) That the existing computer maintenance agreement (due to expire 1996 July 1) with IBM be terminated, and replaced with a new agreement with IBM Canada Limited at the following (reduced) rates (PST and GST extra):

<u>Account #</u>	<u>Description</u>	<u>Amount</u>
CH 57101 26020	Equipment Repair (Central Processing)	\$1,520./month
CH 57101 26014	Equipment Repair (Disk & Tape)	\$4,090./month
CH 57101 26016	Equipment Repair (Host Printing)	\$1,020./month
CH 57101 26022	Equipment Repair (Communications)	\$1,040./month
CH 57101 26025	Equipment Repair (Data Entry)	\$ 420./month

- (b) That the maintenance schedule be in effect for a 36 month period, starting 1995 October 1, with options for termination at the end of the term of Council or upon 30 days notice, subject to any discount penalties that may apply.
12. That the City of Hamilton enter into an agreement for the provision of Dispatch Service by the Hamilton Fire Department for each of the area Municipal Fire Departments within the Regional Municipality of Hamilton-Wentworth (Ancaster, Dundas, Flamborough, Glanbrook and Stoney Creek).
13. (a) That approval be given to the action taken by the City Clerk in authorizing the Rwanda Solidarity Committee to use the Council Chambers from 7:00 p.m. to 9:30 p.m. on Wednesday, 1995 September 27 for a Presentation Ceremony; and,
- (b) That the City Clerk be granted authority to approve a similar use in future years, provided it does not interfere with any other activity.
14. (a) That approval be given to the action taken by the City Clerk in authorizing World Vision Canada to use the Second Floor Foyer on Friday, 1995 September 29, from 6:00 p.m. to 9:00 p.m., for a slide presentation with regard to the World Vision Canada Ipililo Child Sponsorship Project; and,
- (b) That the City Clerk be granted authority to approve a similar use in future years, provided it does not interfere with any other activity.
15. (a) That approval be given to the action taken to purchase a Message of Congratulations to the Hamilton and District Chamber of Commerce for its 150th Anniversary in a Special Edition insert in The Spectator to be published on Tuesday, 1995 September 19th at a cost of \$550., plus G.S.T.; and,
- (b) That funds for this expenditure be derived from Account No. CH 56302 12000 (Advertising and Promotion Account - City Clerk).

16. That approval be given to the action taken by the Acting City Clerk in authorizing the change of date for the use of the Forecourt by the Heart of the City Action Centre, for the "Biggest Country Line Dance", from Friday, 1995 September 15 - 3:00 - 8:00 p.m. to Saturday, September 16 - 1:00 - 5:00 p.m.
17. (a) That approval be given to the action taken by the City Clerk in authorizing the use of the Council Chamber and Second Floor Foyer on Saturday, 1995 September 16 from 12:15 p.m. to 2:00 p.m. for a Reception for International Representatives attending the World Bocce Championship in Hamilton; and,
(b) That the City Clerk be granted authority to approve of a similar use in future years, provided it does not interfere with any other activity.
18. That approval be given for the German Band Spielmannszug Der Stuttgarter Zigeunerinsel to give a special performance on the City Hall Forecourt on Wednesday, 1995 September 27 from 11 a.m. to noon, during their visit to the City as part of the Steel City Oktoberfest Celebrations.
19. (a) That approval be given for the Council Chamber and Second Floor Foyer to be used for a reception for the Veterans of the Italian Air Force Association (Associazione Arma Aeronautica) (Hamilton Chapter) on Saturday, 1995 October 14 at 11:00 a.m.; and,
(b) That the City Clerk be authorized to approve of a similar use in future years, provided it does not interfere with any other activity.
20. (a) That the City be authorized to enter into Extension Agreements, if required, in a form satisfactory to the City Solicitor and the City Treasurer pursuant to Section 8 of the Municipal Tax Sales Act, with the owners of the following properties to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on 1994 June 28:

6 Minto	8 Harvey
89 Sanford S	4 Mars
000 Upper James	340 Jackson West
105 Hempstead	405 Hess South
19 Mayflower	63 1/2 Fullerton
65 Fullerton	71 Kenilworth North
26 Holton North	644 Barton East
121 Victoria North	

- (b) That the attached by-law to authorize the said Extension Agreements be enacted by Council; and,
 - (c) That the Mayor and City Clerk be authorized to execute the aforesaid by-law and extension agreements.
- 21.
- (a) That approval be given to issue a purchase order in the amount of \$99,938., inclusive of G.S.T., (\$6,538.) to commission Roque Roofing & Sheet Metal Ltd. of Hamilton for the replacement of the roof at the Sir Allan MacNab Recreation Centre, being the lowest price of eight quotes received in accordance with the specifications (REF: C14-13-95) issued by the Manager of Purchasing; and,
 - (b) That as this work is to be completed as soon as possible, the above has been processed thorough the emergency procedures of the City of Hamilton Purchasing Policy that states "An order can be placed upon the approval of two of the following: The Mayor, an appropriate Committee Chairman, the C.A.O and that any action taken under this provision to be reported to the next regular meeting of City Council."
- 22.
- (a) That approval be given to issue a purchase order to Marsh Energy Inc. of Burlington, Ontario in the amount of \$79,900., plus G.S.T., for the engineering evaluation of:
 - (i) Optional larger 4.8 megawatt cogeneration plant; and,
 - (ii) Determination of the available excess heat from the cogeneration installation; and,
 - (iii) To determine the optimum size and configuration of the City Hall boiler plant consistent with the cogeneration facility; and,
 - (b) That as timing is of the essence due to the timetable of the Canada/Ontario Infrastructure Works Program and so that the City can realize the energy savings at the earliest possible date, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council."

23. (a) That the Corporation of the City of Hamilton exercise its second year option and accept the proposal submitted by Westcoast Gas Services Inc. for the supply of natural gas on a direct purchase basis to all City owned buildings at a price of \$1.30/Gigajoule for the period 1995 November 1 to 1996 October 31, in accordance with specifications issued by the Purchasing Department; and,
- (b) That the existing contracts be amended in a form satisfactory to the City Solicitor; and,
- (c) That as time is of the essence and in order to take advantage of the fluctuations in the market price of natural gas, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council."

24. That the listing of Appointments To and Terminations from Permanent Positions with the Corporation of the City of Hamilton to 1995 September 8, attached herewith and marked Appendix "B", be approved.

25. (a) That Microcomputer workstations be acquired in accordance with the following:

<u>Description</u>	<u>Supplier</u>	<u>Price</u>	<u>Comment</u>
NEC 486-DX2 PCs	Fairview Computers Inc. Burlington	\$2,095.	lowest of 12 proposals

- (b) Funding to be provided from Account # CH56605-26032 (Workstation Leasing)

26. (a) That MFP Technology Services Inc. Mississauga, Ontario provide leasing services for microcomputer workstations and printers at the rate of \$28./\$1,000./month for 36 months (the lowest of twelve proposals received); and,
- (b) That decisions to lease or purchase be made in each case, in consultation with the Treasurer; and,
- (c) That the Mayor and the City Clerk be authorized to execute any amendments to the master lease agreement and that the agreement be in a form satisfactory to the City of Hamilton Solicitor (the City of Hamilton is the lessee); and,
- (d) That funding be provided from Account # CH56605-26032 (Workstation Leasing).

1995 September 26

27. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) D-64 A By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears.
- (b) D-65 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1995 September 19**

RECOMMENDATIONS FROM: Dr. M. James, Medical Officer of Health

RESPECTING: "SMOKE-FREE HAMILTON BY THE YEAR 2000"

- (a) That the City of Hamilton appoint an ad hoc working committee, with representation as outlined in Schedule A, to:
- draft amended tobacco-related by-laws to make all public places, schools and workplaces smoke-free
 - co-ordinate the implementation and evaluation of the recommendations in this report
 - prepare an annual report by March 1st outlining the progress from the previous year towards fulfilling the recommendations of this report to achieve a "Smoke-Free Hamilton by the Year 2000"; and, **(RECOMMENDATION - TABLE)**
- (b) That the City of Hamilton provide for the suspension or revocation of tobacco retail licenses upon conviction of violation of pertinent legislation regulating tobacco products; and, **(RECOMMENDATION - APPROVE)**
- (c) That the City of Hamilton increase the licensing fees to cover the cost of administering and enforcing the tobacco-control by-laws; and, **(RECOMMENDATION - TABLE)**
- (d) That the City of Hamilton request the Federal Government to enact a ban on all tobacco brand name sponsorship or tobacco product advertising; and, **(RECOMMENDATION - APPROVE)**
- (e) That the City of Hamilton request the Federal Government to enact legislation to require generic packaging of all tobacco products; and, **(RECOMMENDATION - APPROVE)**
- (f) That the City of Hamilton request that the Department of Public Health Services, Regional Municipality of Hamilton-Wentworth, assume responsibility for enforcement of tobacco-related by-laws of the City of Hamilton as well as all community calls regarding tobacco-related by-laws; and, **(RECOMMENDATION - TABLED)**

- (g) That the City of Hamilton, upon request, provide the Hamilton-Wentworth Department of Public Health Services, Regional Municipality of Hamilton-Wentworth, with a listing of current licensed tobacco retailers to ensure effective enforcement; and,
(RECOMMENDATION - APPROVE)
- (h) That the City of Hamilton request the Regional Police to assist with the enforcement of municipal by-laws concerned with smoking in the workplace and in public places; and,
(RECOMMENDATION - APPROVE)
- (i) That the City of Hamilton adopt a policy which bans the use of brand name advertising and promotion by tobacco companies at City sponsored events, or on City owned or managed properties; and,
(RECOMMENDATION - TABLE)
- (j) That the City of Hamilton ensure that tobacco products are not sold or used at any City of Hamilton owned or managed facility or event; and,
(RECOMMENDATION - TABLE)
- (k) That the City of Hamilton, through the Human Resources Centre, promote the availability of tobacco cessation support services for employees; and,
(RECOMMENDATION - APPROVE)
- (l) That the City of Hamilton continue to appoint a representative to the Hamilton-Wentworth Council on Smoking and Health; and, (RECOMMENDATION - APPROVE)
- (m) That the City of Hamilton encourage event co-ordinators to provide smoke-free occasions, whether indoors or outdoors, that would be recognized by issuing a certificate of recognition.
(RECOMMENDATION - APPROVE)

1995 September 26

APPOINTMENTS TO PERMANENT POSITIONS

NAME	STATUS	CLASSIFICATION	DEPARTMENT	REASON HIRED	SALARY SCHEDULE	EFFECTIVE DATE
Ms. Joyanne Beckett	I	Building Engineer (J)	Building	Replacing Mr. S. Rao - retired, Nov. 20/94	\$53,779.96 to \$63,398.40	July 24/95
Ms. Katie Carson	I	Secretary 11 (8C)	Fire	Replacing Ms. C. Lahie - promoted, July 17/95	\$25,960.48 to \$28,151.76	Aug. 21/95
Ms. Colleen Cullen	I	Probationary Fire Inspector (NIC)	Fire	Replacing Mr. C. Gates - retired, May 05/95	\$34,234.08	July 10/95
Ms. Susan Hayward	I	Traffic Legislative Technician (23E)	Traffic	Replacing Mr. M. Trink - resigned, June 16/95	\$42,169.40 to \$47,920.60	July 24/95

Prepared September 08, 1995

Status

Internal - I

External - E

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>STATUS</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Ms. Cindy Lahaie	I	Probationary Fire Inspector (NIC)	Fire	Replacing Mr. W. Jacklin - retired, Nov. 30/94	\$34,234.08	July 17/95
Mr. Oscar Lopez	I	Traffic Signal Specialist (18C)	Traffic	Replacing Mr. J. Price - retired, Dec. 31/95	\$36,275.72 to \$41,754.44	July 17/95
Mr. Gordon Mooney	I	Traffic Signal Specialist (18C)	Traffic	Replacing Mr. B. Perino - promoted, March 06/95	\$36,275.72 to \$41,754.44	July 17/95
Mr. Bob Morley	I	Licence Inspector II (18D)	Clerk's	Returning to former position	\$36,033.92 to \$41,863.64	July 13/95

Prepared September 08, 1995

Status
Internal - I
External - E

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>STATUS</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Mr. Peter Shaw	I	Probationary Fire Inspector (CSS)	Fire	Replacing Mr. J. Kyle - terminated, May 24/94	\$52,526.24	July 10/95
Mr. Douglas Tam	I	Supervisor, Customer Service (J)	Building	Replacing Mr. L. Kerr - promoted, Sept. 25/95	\$53,779.96 to \$63,398.40	July 24/95
Mr. Andrew Tapp	I	Probationary Communications Fire Officer (NI)		Replacing Ms. C. Cullen - transferred, July 10/95	\$36,867.15	August 14/95
Ms. Lynne Tofani	I	Administrative Assistant I (N)	Mayor's Office	Replacing Ms. G. Turner - retired, June 30/95	\$37,794.64 to \$44,568.68	June 30/95

Prepared September 08, 1995

Status

Internal - I
External - E

THE CORPORATION OF THE CITY OF HAMILTON

TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Mr. William Brock	Sanitation Worker	Public Works	Terminated	1 year	July 27/95
Ms. Annette McGaughey	Support Services Technician	Information Systems	Resigned	4 years, 9 months	July 25/95

Prepared September 8, 1995

Glossary of Terms

Terminated - long term disability
 - discharge
 - downsizing
 - redundant

Resigned - personal betterment
 - personal reasons

REPORT OF THE CITY OF HAMILTON LICENSING COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The City of Hamilton Licensing Committee presents its **THIRD** Report for 1995 and respectfully recommends:

1. That approval be given to the action of the Licensing Committee in permitting the Viking Restaurant, 419 King Street East, to be operated under the following conditions pending the hearing before the Liquor Control Board of Ontario on 1995 November 21 respecting the Liquor Licence covering this premises:

The Licensee shall:

- (a) Provide the Hamilton-Wentworth Regional Police with a letter of authority, which enables the police to bar anyone they deem undesirable for the betterment of the community; and
- (b) Permit monthly inspections of the premises by the City's Building and Fire Departments and Regional Public Health Department. These departments are to report any deficiencies to the Licence Division; and
- (c) Repair all damaged glass at the premises within 24 hours or as soon as possible; and
- (d) Agree that the City of Hamilton may be represented at the Viking Restaurant's LLBO hearing scheduled to be held on November 21st, 1995 at the Ellen Fairclough Building subject to any orders of the LLBO; and
- (e) Permit the Hamilton-Wentworth Regional Police Department to have the area beat patrol officer attend the premises nightly as a liaison officer; and
- (f) In co-operation with the City of Hamilton, to request the Hamilton-Wentworth Regional Police Department to provide the City with all occurrence reports regarding the Viking Restaurant; and
- (g) Adhere to all conditions of this liquor licence. The Licence Division, in co-operation with the Viking Restaurant, is to request the LLBO Inspector to report any violations to the Licence Division; and
- (h) Take steps to ensure that patrons of his premises do not loiter on any outside property under his control; and

1995 September 26

- (i) Permit the City to install a bicycle rack on the west side of the Viking Restaurant in its discretion; and
- (j) Install a phone line for staff use only, not accessible to customers; and
- (k) Contact police directly if trouble occurs on the premises or instruct staff to do so when Licensee is not on the premise; and
- (l) To post security in the amount of \$500.00 in cash or by irrevocable standby letter of credit as security to ensure compliance by the Licensee of the above noted conditions such sum to be forfeited to the City on default, however, prior to such forfeiture, the Licensee shall be provided with an opportunity to contest such default before the City of Hamilton's Licensing Committee.

Any violations of the above conditions will result in an immediate Show Cause Hearing.

- 2. That the Cab Driver Licence Application of Craig Worrall be denied.
- 3. That the Cab Driver Licence Renewal Application of Paramjit Singh be denied for a period of seven days, commencing 1995 September 26, following which the licence will be issued for a one year probationary period.

Confidential background information provided to members of City Council under separate cover.

RESPECTFULLY SUBMITTED

**ALDERMAN D. WILSON, CHAIRPERSON
LICENSING COMMITTEE**

**Stella Glover
Secretary
1995 September 12 and 13**

1995 September 26

REPORT OF THE NOMINATING COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Nominating Committee presents its **SIXTH** Report for 1995 and respectfully recommends:

1. That Alderman _____ and Alderman _____ be appointed to the Mayor's Committee Against Racism and Discrimination for a term to expire 1997 November 30.

RESPECTFULLY SUBMITTED

**MAYOR R. M. MORROW
CHAIRMAN,
NOMINATING COMMITTEE**

J.J. Schatz, Secretary
1995 September 26

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1995 SEPTEMBER 26
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL**

B I L L S

BY-LAW NO. 95 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 34 (Sticker Permit Parking)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"Maplewood	South	commencing at a point 76 feet west of Cedar to a point 18 feet westerly therefrom	Anytime
Markland	North	commencing at a point 65 feet east of the east curb line of Bruce to a point 22 feet easterly therefrom	Anytime
Ray	East	commencing at a point 256 feet north of York to a point 14 feet northerly therefrom	Anytime".

2. **Schedule 26 (No Parking Areas)** is hereby amended by deleting therefrom the following items, namely:-

"Robson	East & North	from the north property line of no. 51 Robson to the east property line of no. 57 Robson	Anytime
Pearson	West	commencing at a point 347 feet south of Mount Pleasant to a point 18 feet southerly therefrom	Anytime".

and by adding thereto the following item, namely:-

"Robson	East and North	from the east property line of no. 57 Robson to a point 86 feet north of the north curb line of Robson	Anytime".
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PASSED this

day of

A.D. 1995.

CITY CLERK

MAYOR

BY-LAW NO. 95 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 10 (Stops at Intersections)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"Britannia	Eastbound and Westbound	Tolton
Atkins	Northbound	Greencedar".

2. **Schedule 35 (Wheelchair Loading Zones)** is hereby amended by adding thereto the following item, namely:-

"Bingham	West	36 feet	commencing at a point	8:00 am to 5:00 pm
			59 feet north of Ayr	Monday to Friday".

3. **Schedule 29 (No Stopping Areas)** is hereby amended by adding thereto the following item, namely:-

"Hughson	East	Charlton to 60 feet north	Anytime".
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PASSED this

day of

A.D. 1995.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend By-law No. 88-12

To Revise:

THE BARTON GENERAL COMMUNITY IMPROVEMENT PLAN

WHEREAS Section 1 of By-law No. 88-11, passed on the 12th day of January 1988, designated the area described in Schedule "A", and shown on Schedule "B" thereto, as a community improvement project area, known as the "Barton General Community Improvement Project Area" in accordance with subsection 28(2) of the Planning Act, 1983, now R.S.O. 1990, Chapter P.13;

AND WHEREAS By-law No. 88-12, passed on 12th day January 1988, adopted The Barton General Community Improvement Plan which includes provisions regarding the rehabilitation and renewal of the said Community Improvement Project Area;

AND WHEREAS the Council of The Corporation of the City of Hamilton, at its meeting held on the 27th day of June 1995, (Item 8, 15th Report, Planning and Development Committee), authorized revisions to the said Barton General Community Improvement Plan;

AND WHEREAS the Council of The Corporation of the City of Hamilton, at its meeting held on the 29th day of August 1995, (Item 20, 17th Report, Planning and Development Committee), authorized further revisions to the said Community Improvement Plan;

AND WHEREAS subsection 28(7) of the Planning Act, states:

"(7) For the purpose of carrying out the community improvement plan, the municipality may make grants or loans to the registered owners or assessed owners of lands and buildings within the community improvement project area to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the community improvement plan.";

AND WHEREAS the Building Department has held a public meeting on the 2nd day of August 1995 and taken other steps required by the Planning Act [subsection 28(4)] prior to the enactment of this by-law to amend the Barton General Community Improvement Plan;

AND WHEREAS it is intended to revise the said Community Improvement Plan for the said area with the following provisions;

AND WHEREAS by By-law No. 87-178 the Barton East #1 Business Improvement Area was designated by Council and for the said Area, Council has by By-law No. 87-308, as amended, established a corporation, the Board of Management for the Barton East #1 Business Improvement Area.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The amendments to the Barton General Community Improvement Plan hereto annexed as Schedule "A" and forming part of this by-law, are hereby adopted.
2. The City Solicitor is hereby authorized and directed to make application to the Minister of Housing and Municipal Affairs,
 - (a) for approval, as required by subsection 28(2) of the Planning Act, to this amending by-law adopting these amendments to the Barton General Community Improvement Plan;
 - (b) for approval, as required by subsection 28(8) of the community improvement provisions of the Planning Act, to be granted to the City by the Minister to permit the City to make the grants and offer the other assistance provided for in the Barton General Community Improvement Plan, as amended by this amending by-law, that would otherwise be bonuses prohibited by subsection 111(1) of the Municipal Act.
3. This by-law shall come into force and effect on or after the date the Minister grants the said two approvals.

PASSED this day of

A.D. 1995

CITY CLERK

MAYOR

(1995) 15 R.P.D.C. 8, June 27
(1995) 17 R.P.D.C. 20, August 29

SCHEDULE "A"

TO BY-LAW NO. 95-

The Barton General Community Improvement Plan is amended by the following additional provisions, which additional provisions shall prevail in the event of any conflict with the terms of the original Plan.

1.0 GENERAL

For the purpose of carrying out the Barton General Community Improvement Plan, the City of Hamilton may make grants and loans to the registered owners or assessed owners of lands and buildings within the said Community Improvement Project Area to pay for the whole or any part of the cost of the community improvement of any such lands, including the cost of rehabilitating such lands and buildings in conformity with the said Community Improvement Plan and upon the following additional terms and conditions.

Grants and loans are available only to the extent of funds allocated from time to time for those purposes by the Council of The Corporation of the City of Hamilton.

2.0 REVISED LOAN GUIDELINES

- 2.1 Upon receipt of a satisfactory application which meets the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years at an interest rate of one half of the City's prime borrowing rate, amortized for a maximum period of ten years (open).
- 2.2 These loans are solely intended for the owners of lands within the said designated Community Improvement Project Area where the owner's lands are used for non-residential purposes which, in the opinion of the City,
 - (a) are intended for the eligible improvements and expenses contemplated in the said Plan as amended herein;
 - (b) fulfil the objectives of the City expressed in the Barton General Community Improvement Plan, as amended herein;
 - (c) meet the security/equity and other requirements of the City specified herein.
- 2.3 While businesses which are tenants are not, according to the Planning Act, eligible for loans and grants provided for in the said Plan as amended herein, loans to eligible property owners for improvements which will also benefit business tenants are provided for in this Plan.
- 2.4 Loans may be made to an owner of a non-residential property not exceeding the sum of \$15,000. in respect of the cost of eligible facade and exterior renovations to each separate location of the owner's property specially assessed or specially assessable for a levy payable to the Barton East #1 Business Improvement Area. These loans are subject to a maximum limit of \$45,000. for each deeded property of the owner.
- 2.5 Loans may be made to an owner of a non-residential property not exceeding the sum of \$10,000. in respect of the cost of eligible interior improvements to each separate location of the owner or of a tenant under lease from the owner, specially assessed or specially assessable for a levy payable to the Barton East #1 Business Improvement Area, subject to,
 - (a) the tenant accepting in writing the proposed interior improvements; and
 - (b) a loan maximum of \$30,000. for each deeded property of the owner.

- 2.6 Loans may be made to an owner of a non-residential property not exceeding the sum of \$5,000. in respect of the cost of eligible exterior and facade improvements and to repair deficiencies in compliance with health, safety or property standards. This loan is in the discretion of Council and where approved, may be concurrent with or in addition to the maximum permitted loans specified in sections 2.4 and 2.5. This loan shall be unsecured and not registered on title. Section 2.10 (b) and (c) shall not apply to this loan.

Where this community improvement loan is the subject of a grant provided for in section 3 of this by-law, the grant to the owner to pay down the principal of this loan shall not exceed \$2,500. and shall be advanced as follows:

- (a) \$1,500. as of the completion of construction as confirmed by the Building Department; and
 - (b) \$1,000., (or the balance of the grant), one year following the first advance;
 - (c) Section 3.4 (d) on advancement of section 3 grants shall not apply.
- 2.7 Loans may be for the following types of improvements and their related expenses:
- exterior building envelope;
 - major building systems, including roof, wiring, plumbing, heating;
 - interior fixtures, including partitions;
 - interior decorating, including lighting, painting, wallpaper, etc.;
 - built-in showcases, freezers, special plumbing, etc.;
 - exterior/interior signage;
 - related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or \$200.;
 - such other loan program administrative fees fixed by Council from time to time.

Loans shall be advanced only in respect of completed work which has been inspected by the City.

Loans may not be made for the following expenses: Chattels, such as tables, chairs, cash registers or rental and owner occupied residential accommodation.

- 2.8 The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department. Deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage, etc.).
- 2.9 The owner will obtain two estimates for building envelope based on inspection, and two estimates for facade improvements proposed by owner. (The Building Department will examine the estimates based on their inspection.). A report prepared by the Housing and Loans Division of the Building Department, (including the recommendation of the Board of Management of the B.I.A.) on each loan will be made to the Planning and Development Committee and Council for approval.
- 2.10 As security for repayment of the loan to the City, the borrowing owner shall:
- (a) give the City a promissory note and, if a limited company, the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the corporate borrower to borrow the loan and give the loan security to the City;

- (b) permit a City Lien to be registered on title to the property being improved in which property the owner must have at least 20% equity to provide security for the loan, after covering outstanding property encumbrances, including the amount of the City's loan;
 - (c) where the owner has less than 20% equity in the property being improved,
 - (i) the owner may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City the collateral mortgage; or
 - (ii) the owner may provide the City with a guarantee from another person, provided the guarantee is secured by a mortgage on the Guarantor's property that meets the City's equity requirements and the Guarantor's lawyer prepares and certifies the guarantee and the collateral mortgage to the City in a form satisfactory to the City Solicitor;
 - (d) keep in good standing business, realty and B.I.A. levies.
- 2.11 Upon sale of a security property, the loan becomes due and payable in full to the City, unless the new owner meets the lending criteria and assumes the original terms and conditions of the loan.
- 2.12 Repayment of loans to the City shall be monthly but open to full repayment at any time without notice or penalty.

3.0 GRANT GUIDELINES

- 3.1 Grants may be made to recipients of loans under this Community Improvement Plan for a sum of up to 1/2 of the outstanding loan principal of such loans for the purpose of paying for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the Community Improvement Plan. Where the loan is less than \$5,000., pursuant to section 2.6 of this by-law, such grant may be for a sum equal to the amount of the loan principal.
- 3.2 Grants may also be made to recipients of loans under this Community Improvement Plan to cover the cost of Building Permit fees, Committee of Adjustment Applications and/or property compliance reports payable to the City, where these costs are incurred in respect of rehabilitating such lands and buildings in conformity with the Community Improvement Plan.
- 3.3 Grants may be made to business landowners to cover all or a portion of the cost of decorative murals to be erected on their lands to rehabilitate their lands and buildings in conformity with the Community Improvement Plan.

3.4 Conditions of Grants

- (a) The following accounts of grant recipients must be in good standing, prior to payment of any grant, unless the recipient directs the City in writing to apply the grant towards the amounts owing on any such account:
 - (i) the commercial loan repayments and interest thereon;
 - (ii) realty taxes on the property being improved;
 - (iii) business taxes; and
 - (iv) B.I.A. Levy;

- (b) Grants are available to recipients of loans under this Community Improvement Plan for rehabilitating their lands and buildings within the Barton East #1 Business Improvement Area and the said Community Improvement Project Area;
- (c) The maximum grants available to an owner(s) for each deeded property of the owner(s) shall not exceed \$30,000.;
- (d) Grant instalments will be advanced from the City by the direct paying down of principal in a Commercial Loan Program borrowers' loan account in three (3) instalments, in the 15:15:20 ratio, as follows:
 - (i) 15% of the loan amount at the time of construction completion as recorded by a Building Department Inspector;
 - (ii) 15% of the original loan amount on the anniversary date of the first advance; and
 - (iii) 20% on the anniversary date of the second advance.

4.0 MURALS ON PRIVATE PROPERTY

- 4.1 The City may allocate up to \$20,000. annually to the Barton East #1 Business Improvement Area for mural projects within the B.I.A. Co-ordination of murals to be placed on private property will be the responsibility of the B.I.A.
- 4.2 Costs for co-ordination, wages and materials of murals are to be submitted to the City for approval along with the art itself, and City grants will be advanced monthly to the B.I.A. on a per cent of completion basis.

The Corporation of the City of Hamilton

BY-LAW NO. 95-
To Amend By-law No. 78-113

Respecting:

THE MAKING OF LOANS FOR REPAIRS TO RETAINING WALLS

WHEREAS pursuant to Section 31 of the Planning Act, R.S.O. 1990, Chapter P.13, By-law No. 78-113 was enacted on the 11th day of April, 1978 to prescribe standards for the maintenance and occupancy of property within the City of Hamilton;

AND WHEREAS section 32 of the said Act states,

32. (1) When a by-law under section 31 is in force in a municipality, the council of the municipality may pass a by-law for providing for the making of grants or loans to the registered owners or assessed owners of lands in respect of which a notice has been sent under subsection 31(6) to pay for the whole or any part of the cost of the repairs required to be done, or of the clearing, grading and levelling of the lands, on such terms and conditions as the council may prescribe.

(2) The amount of any loan made under a by-law passed under this section, together with interest at a rate to be determined by the council, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made.

(3) A certificate signed by the Clerk of the municipality setting out the amount loaned to any owner under a by-law passed under this section, including the rate of interest thereon, together with a description of the land in respect of which the loan has been made, sufficient for registration, shall be registered in the proper land registry office against the land, and, upon repayment in full to the municipality of the amount loaned and interest thereon, a certificate signed by the Clerk of the municipality showing such repayment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the loan was made is discharged;

AND WHEREAS the Council of The Corporation of the City of Hamilton on the 28th day of June 1994, in adopting Item 7 of the 10th Report of the Planning and Development Committee, authorized revisions to By-law No. 78-113;

AND WHEREAS the Council of The Corporation of the City of Hamilton on the 11th day of July 1995, in adopting Item 2 of the 5th Report of the Committee of the Whole, authorized further revisions to the said by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection (d) of Section 1 of By-law No. 78-113 is deleted and replaced with the following:

(d) "certificate" means a certificate under Subsection 3 of Section 32 of the Planning Act;

2. Subsection (h) of Section 1 of By-law No. 78-113 is deleted and replaced with the following:

(h) "department" means the Building Department of The Corporation of the City of Hamilton;

3. The following sections are hereby added to By-law No. 78-113:

PART II Retaining Walls

19. This Part applies only in respect of loans to pay for the whole or any part of the cost of repairs of retaining walls required to be done by Notice of Violation under the Property Standards By-Law, to bring retaining walls into compliance with the by-law.

20. (1) For the purposes of this Part II of the by-law, every owner who resides in a residential dwelling unit on land may apply for a loan to pay for the whole or part of the cost of repairs to a retaining wall on the owner's land which repairs are required to be done by the said Notice of Violation.

(2) The amount loaned may include the costs of the repairs, including engineer's site inspection costs, engineering, legal, survey, construction costs and loan application costs. The amount of the loan shall not exceed the actual cost of repairs required to be done under The Property Standards By-law, less any amounts obtained or obtainable by the owner under O.H.R.P. or R.R.A.P., or a similar programme, and in no case shall the amount exceed the maximum permitted loan.

(3) A loan administration fee of the greater of one and one-half per cent of the loan or \$200.00 is payable by the applicant.

21. (1) The owner may apply by filing with the department an application in form and content satisfactory to the department and verified by statutory declaration.

(2) The owner shall, at the time of making application or upon request of the department, furnish the department with information, verified by statutory declaration,

- (i) that the retaining wall requires repairs in accordance with The Property Standards By-law;
- (ii) that the owner is not in arrears of municipal property taxes;
- (iii) that the total debt service ratio of the applicant does not prevent the applicant from assuming the obligation to repay the loan to the City; and
- (iv) the amount of the loan and any other registered encumbrance in relation to the value of the property.

22. (1) The owner shall, if required by the City, obtain engineering drawings in respect of the proposed repairs to the retaining walls and submit same with the loan application to the Building Department. The drawings shall be prepared by a Professional Engineer licensed to practice in Ontario and shall have affixed thereto the seal of the engineer.

(2) The owner shall retain a Professional Engineer licensed to practice in Ontario to undertake field review of the retaining wall repairs during their installation. Where such repairs are completed in keeping with good engineering practice and with the engineering drawings (where required), the owner is also required to submit to the Building Department a General Review Certificate prepared, signed and sealed by the said engineer, confirming the repairs are satisfactory.

23. (1) The owner shall give the City a promissory note on repayment of the loan.

(2) The loan shall be recorded on title to the property by a Certificate of Lien pursuant to subsection 32(3) of the Planning Act.

(3) Where the amount of the loan and other registered encumbrances exceed ninety per cent (90%) of the value of the property, the owner may, if necessary, in order to provide the required security, give the City a collateral mortgage on other property that meets the City's equity requirements, provided the owner's lawyer registers and certifies the mortgage to the City in a form satisfactory to the City Solicitor.

24. (1) Upon compliance with requirements of this by-law, the Building Department shall inspect the retaining wall for the purpose of ascertaining the proposed repairs eligible for a loan.

(2) A statement of eligible repairs shall be mailed by ordinary prepaid post to the applicant, or delivered to him.

(3) The maximum permitted loan is \$20,000.00 which shall be available for an initial term of not less than five years and for a maximum term of fifteen years, or such lesser term as Council may require. Interest shall be a 3% interest calculated semi-annually, not in advance, during the initial term and subsequently, if the loan is renewed by the City, interest shall be at a rate not exceeding the prime lending rate then available to the City as of the first of the month preceding the renewal date. The loan is open for repayment at any time without notice or bonus.

(4) The loan shall become due and payable to the City in the event of a sale of the land, unless the prospective purchaser meets the borrowing/equity requirements of the loan and agrees, in writing, in a form satisfactory to the City Solicitor, to assume the obligation to repay the loan.

25. Every loan approved by Council is subject to the terms required by Council in approving a particular loan, including the following minimum terms and conditions:

- (i) the owner is responsible for carrying out the repairs of the retaining wall, including selection of the contractor(s);
- (ii) the owner shall repay the loan in monthly payments of principal, together with interest;
- (iii) the balance of the loan outstanding, together with interest thereon, shall immediately become due and payable,
 - (a) in the event of a default of payment of either principal or interest, at such time as they were required to be paid; or
 - (b) in the event of a sale of the land, as of the date of the sale;

- (iv) the loan shall be advanced to the owner by the City Treasurer upon notification from the Building Department as repairs are carried out in accordance with the requirements of The Property Standards By-law. The loan shall be advanced by the City's cheque payable to the owner and the contractor and forwarded to the owner.

26. No loan shall be made,

- (i) where the owner has not complied with the requirements of this by-law;
- (ii) unless the applicant satisfies the City that the applicant is the registered owner of the land;
- (iii) until the Planning and Development Committee and Council approve the loan; and
- (iv) except to the extent of funds as may be allocated for that purpose by Council from time to time.

27. In the event of default of any required payment for a period in excess of forty-five days, the Clerk is authorized to add the amount of the loan and accrued interest to the collector's roll in order that the loan and interest thereon may be collected in like manner as municipal taxes.

4. Except as amended herein, By-law No. 78-113 is hereby confirmed.

PASSED this day of

1995

CITY CLERK

MAYOR

(1994) 10 R.P.D.C. 7, June 28
 (1995) 5 R.C.O.W. 2, July 11
 File: 40-70/94.2

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 1451-1477 UPPER JAMES STREET

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-9D of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "C" (Urban Protected Residential, etc.) District to "G" - 'H' (Neighbourhood Shopping Centre, etc. - Holding) District, the land comprised in Block 1;
- (b) by changing from "AA" (Agricultural) District to "G" - 'H' (Neighbourhood Shopping Centre, etc. - Holding) District, the land comprised in Block 2; and
- (c) by changing from "AA" (Agricultural) District to "RT-30"-'H' (Street Townhouse - Holding) District, the land comprised in Block 3,

the extent and boundaries of each of which Blocks 1, 2 and 3 are shown on a plan hereto annexed as Schedule "A".

- 2. (a) The 'H' symbols referred to in section 1 shall be removed conditional upon,
 - (i) the installation of municipal storm and sanitary sewers, and water services for Block 3 of the subject lands as the City deems necessary; and
 - (ii) the applicant/owner applying for and receiving approval of a Site Plan Control Application from the City of Hamilton for Blocks 1 and 2;

(b) The 'H' symbols shall be removed by amendment to this by-law and the development of the lands referred to in section 1 may at such time proceed in accordance with the "G" District and "RT-30" District provisions, subject to the special requirements referred to in section 3 of this by-law.

3. The "G" (Neighbourhood Shopping Centre, etc.) District provisions, as contained in Section 13 of Zoning By-law No. 6953, applicable to the lands referred to in section 1(a) and 1(b) are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 13.(1) of By-law No. 6593, the following additional commercial uses shall be permitted:
 - 1. A liquor dispensary;
 - 2. A brewer's retail store; and
 - 3. A video store;
- (b) notwithstanding Section 13.(3)(i) of By-law No. 6593, a front yard of a depth not less than 6.0 m shall be provided and maintained along the entire westerly boundary of Block 1;
- (c) notwithstanding Section 13.(3)(ii) of By-law No. 6593, a side yard of a depth of not less than 6.0 m shall be provided and maintained along the entire southerly boundary of Blocks 1 and 2;
- (d) notwithstanding Section 13.(1)(xv) of By-law No. 6593, only one (1) business identification sign that is a ground sign and having a vertical dimension of not more than 6.0 metres, an aggregate area of vertical projection of not more than 1.0 square metre per 0.5 metre of street frontage of the lot, and located not less than 4.5 metres from the Upper James Street streetline shall be permitted;
- (e) notwithstanding clause 2.(2)J.(xb) of By-law No. 6593, one (1) directional sign at each point of ingress and egress, and each said sign of a size not exceeding 1.2 square metres (12.92 square feet) shall be permitted;
- (f) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination;
- (g) a minimum 6.0 m wide landscape area shall be provided and maintained along the entire westerly boundary of Block 1, except for any area used for driveway access;
- (h) a minimum 3.0 m wide planting strip shall be provided and maintained along the entire southerly boundary of Blocks 1 and 2, except for any area used for driveway access; and
- (i) a planting strip not less than 3.0 m in width and a visual/acoustical barrier between 1.8 m and 2.0 m in height shall be provided and maintained along the entire easterly lot line of Block 2.

4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "G" District provisions, subject to the special requirements referred to in section 3.

5. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1342.
6. Sheet No. E-9D of the District Maps is amended by marking the lands referred to in section 1(a) and (b) of this by-law, S-1342.
7. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

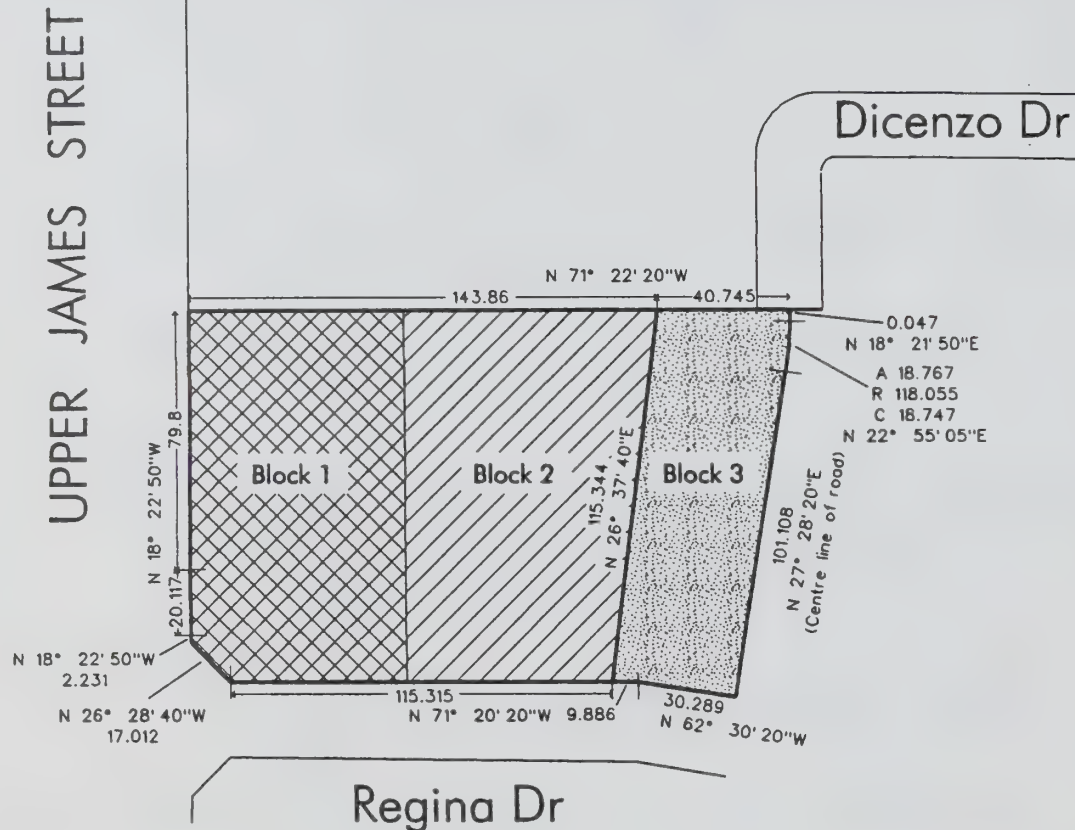
PASSED this day of

A.D. 1995

CITY CLERK

MAYOR

(1995) 16 R.P.D.C. 1, July 11
90074 Ontario Inc. (Roy Yates),
Owner and Prospective Owner
Amended ZA-95-10



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 95-.....
Passed the day of, 1995.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 95-.....
to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in zoning from:



Block 1



Block 2



Block 3

"C" (Urban Protected Residential, etc.)
District to "G" - "H" (Neighbourhood Shopping
Centre, etc. - Holding) District, modified

"AA" (Agricultural) District to "G" - "H" (Neighbourhood
Shopping Centre, etc. - Holding) District, modified

"AA" (Agricultural) District to "RT-30" - "H"
(Street Townhouse - Holding) District

North



Scale
Not to Scale

Date
SEPT 1995

Reference File No.
ZAC-95-10

Drawn By
D.L.

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO.95-

TO AUTHORIZE AN EXTENSION AGREEMENT

FOR PAYMENT OF REALTY TAX ARREARS

WHEREAS the Municipal Tax Sales Act, R.S.O. 1990, c.M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

AND WHEREAS the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

AND WHEREAS, pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

AND WHEREAS, the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

AND WHEREAS, The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

AND WHEREAS the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date of Schedule "A" attached hereto.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.

(b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and City Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.
2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

- (a) that the Extension Agreement does not reduce the amount of the Cancellation Price.
 - (b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.
 - (c) that any person may pay the Cancellation Price at any time.
 - (d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.
 - (e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement.
3. As also provided in the Municipal Tax Sales Act,
- (a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.
 - (b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

PASSED this day of 1995, A.D.,

CITY CLERK

MAYOR

SCHEDULE "A"
EXTENSION AGREEMENTS

PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION
DATE OF REGISTRATION
INST # OF TAX ARREARS CERTIFICATE
REDEMPTION DATE
TOTAL ARREARS

128 ALLENBY AVENUE
25 18 080 891 01590
ALL OF LOT 43, PLAN 551
25 NOVEMBER 1994
VM199455
25 NOVEMBER 1995
\$13,679.53

PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION
DATE OF REGISTRATION
INST # OF TAX ARREARS CERTIFICATE
REDEMPTION DATE
TOTAL ARREARS

6 MINTO STREET
25 18 030 237 02390
PLAN 381, PT LOT 33
25 NOVEMBER 1994
VM199453
25 NOVEMBER 1995
\$7,598.52

PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION
DATE OF REGISTRATION
INST # OF TAX ARREARS CERTIFICATE
REDEMPTION DATE
TOTAL ARREARS

8 HARVEY STREET
25 18 030 234 06000
PLAN 170, PT LOT 3 & 4
25 NOVEMBER 1994
VM199452
25 NOVEMBER 1995
\$7,076.16

PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION
DATE OF REGISTRATION
INST # OF TAX ARREARS CERTIFICATE
REDEMPTION DATE
TOTAL ARREARS

89 SANFORD AVENUE SOUTH
25 18 030 243 01960
PLAN 225, PT LOT 15 & 16
25 NOVEMBER 1994
VM199451
25 NOVEMBER 1995
\$18,131.16

PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION
DATE OF REGISTRATION
INST # OF TAX ARREARS CERTIFICATE
REDEMPTION DATE
TOTAL ARREARS

4 MARS AVENUE
25 18 030 222 06330
PLAN 209, PT LOTS 1 & 2
25 NOVEMBER 1994
VM199454
25 NOVEMBER 1995
\$6,823.07

PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION
DATE OF REGISTRATION
INST # OF TAX ARREARS CERTIFICATE
REDEMPTION DATE
TOTAL ARREARS

000 UPPER JAMES STREET
25 18 070 861 02501
CON 8 PT LOT 14 BTN HAM
25 NOVEMBER 1994
VM199458
25 NOVEMBER 1995
\$5,960.60

PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION
DATE OF REGISTRATION
INST # OF TAX ARREARS CERTIFICATE
REDEMPTION DATE
TOTAL ARREARS

340 JACKSON STREET WEST
25 18 010 084 03950
BLOCK 1 RANGE E, PT LOT 11
25 NOVEMBER 1994
VM199457
25 NOVEMBER 1995
\$10,127.00

SCHEDULE "A"
EXTENSION AGREEMENTS

PROPERTY ADDRESS	105 HEMPSTEAD DRIVE
SERIAL NUMBER	25 18 060 721 05690
BRIEF LEGAL DESCRIPTION	PLAN 62M-489, LOT 1
DATE OF REGISTRATION	25 NOVEMBER 1994
INST # OF TAX ARREARS CERTIFICATE	LT374812
REDEMPTION DATE	25 NOVEMBER 1995
TOTAL ARREARS	\$135,292.91

PROPERTY ADDRESS	405 HESS STREET SOUTH
SERIAL NUMBER	25 18 020 131 01570
BRIEF LEGAL DESCRIPTION	PLAN 789, LOT 13
DATE OF REGISTRATION	29 NOVEMBER 1994
INST # OF TAX ARREARS CERTIFICATE	VM199746
REDEMPTION DATE	29 NOVEMBER 1995
TOTAL ARREARS	\$1,220.75

PROPERTY ADDRESS	19 MAYFLOWER AVENUE
SERIAL NUMBER	25 18 040 283 54770
BRIEF LEGAL DESCRIPTION	LOT 28, PLAN 442
DATE OF REGISTRATION	29 NOVEMBER 1994
INST # OF TAX ARREARS CERTIFICATE	VM199745
REDEMPTION DATE	29 NOVEMBER 1995
TOTAL ARREARS	\$7,444.05

PROPERTY ADDRESS	63 1/2 FULLERTON AVENUE
SERIAL NUMBER	25 18 030 237 06060
BRIEF LEGAL DESCRIPTION	PLAN 367, PT LOTS 15 - 19
DATE OF REGISTRATION	14 DECEMBER 1994
INST # OF TAX ARREARS CERTIFICATE	VM200978
REDEMPTION DATE	14 DECEMBER 1995
TOTAL ARREARS	\$8,447.38

PROPERTY ADDRESS	65 FULLERTON AVENUE
SERIAL NUMBER	25 18 030 237 06090
BRIEF LEGAL DESCRIPTION	PLAN 367, PT LOT 20
DATE OF REGISTRATION	14 DECEMBER 1994
INST # OF TAX ARREARS CERTIFICATE	VM200979
REDEMPTION DATE	14 DECEMBER 1995
TOTAL ARREARS	\$4,084.38

PROPERTY ADDRESS	26 HOLTON AVENUE NORTH
SERIAL NUMBER	25 18 030 234 58640
BRIEF LEGAL DESCRIPTION	PLAN 473 PT LOT 11 & 12
DATE OF REGISTRATION	13 DECEMBER 1994
INST # OF TAX ARREARS CERTIFICATE	VM200908
REDEMPTION DATE	13 DECEMBER 1995
TOTAL ARREARS	\$9,157.76

PROPERTY ADDRESS	644 BARTON STREET EAST
SERIAL NUMBER	25 18 030 237 51510
BRIEF LEGAL DESCRIPTION	PLAN 257, PT LOT 2
DATE OF REGISTRATION	13 DECEMBER 1994
INST # OF TAX ARREARS CERTIFICATE	VM200863
REDEMPTION DATE	13 DECEMBER 1995
TOTAL ARREARS	\$69,047.21

SCHEDULE "A"
EXTENSION AGREEMENTS

PROPERTY ADDRESS	121 VICTORIA AVENUE NORTH
SERIAL NUMBER	25 18 030 212 56210
BRIEF LEGAL DESCRIPTION	PLAN 223, PT LOT 95
DATE OF REGISTRATION	14 DECEMBER 1994
INST # OF TAX ARREARS CERTIFICATE	VM200977
REDEMPTION DATE	14 DECEMBER 1995
TOTAL ARREARS	\$9,988.08

BY-LAW NO. 95 -

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF
THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 26TH DAY OF
SEPTEMBER A.D., 1995.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 26th day of September A.D. 1995

CITY CLERK

MAYOR

1995 September 22



NOTICE OF MEETING

URBAN/MUNICIPAL

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A31
1995

COMMITTEE OF THE WHOLE

Tuesday, 1995 September 26

5:00 o'clock p.m.

Room 233, City Hall

J. J. Schatz

City Clerk

A G E N D A

1. Introductory Remarks - Mayor Morrow
2. 1995 Current Budget - Corporate Overview of 1995 Current Budget to June 30, 1995
- City Treasurer Information Report
3. 1996 Current Budget Macro - Presentation by City Treasurer - no copy
4. 1996 Budget Process - Report from the Chief Administrative Officer, Chairman of the Management Team
5. 1995 Current Budget Detailed Overviews
Finance and Administration Committee
 - (a) Treasury Department
 - (b) Law Department
 - (c) Hamilton Fire Department
 - (d) Property Department
 - (e) Human Resource Centre
 - (f) Information Systems Department
 - (g) City Clerk's Department

c.c.: Mr. J. Pavelka, Chief Administrative Officer
Members, Management Team

2.

CITY OF HAMILTON

- INFORMATION -

DATE: 1995 September 15

REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: Allan C. Ross
Treasurer

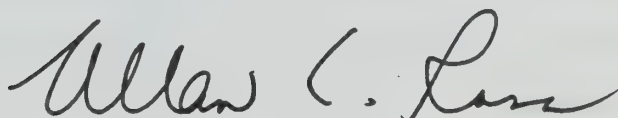
SUBJECT: Corporate Overview of Quarterly Reports as at June 30,
1995

BACKGROUND:

Attached is the Corporate overview of the Quarterly Reports for the City based on actuals to June 30, 1995 along with projections as to the year-end positions. Based on the June 30, 1995 actuals, there is projected to be a net surplus of \$284,310 at year-end as indicated and explained within the Quarterly Report. Individual departmental quarterly reports have been distributed through the respective Standing Committee secretaries.

The next quarterly report for information relating to the corporate overview up to and including September 30 is expected to be issued by the end of October.

This report is prepared as a component of the ongoing process to keep City Council updated on Current Budget issues.



Att'd

CURRENT BUDGET QUARTERLY REPORT AS OF JUNE 30 1995

CORPORATE OVERVIEW

Summary of Expenses/Revenues as of June 30 1995

To June 30th, total City actual expenditures are 3.7% below budget as compared to the prorated Total City Budget. However, revenues to this point are marginally below budget, reflecting an unfavourable variance of (0.4%). The blended affect is diminished on a net basis reflecting a favourable \$2.6 million variance. Note that the prorating of the June 30 Budgeted numbers are not 50% of the total, reflecting seasonal fluctuations.

An explanation of these variances follows the tables below.

Table 1 BUDGET AND ACTUALS AS AT JUNE 30, 1995

Corporate Overview Variances to June 30, 1995	1995 BUDGET TO DATE (1)	1995 ACTUAL TO DATE (2)	FAVOURABLE / (UNFAVOURABLE) VARIANCE (1-2) (3)	VARIANCE % (3/1) (4)
Expenses	\$81,524,260	\$78,547,800	\$2,976,460	3.7%
Revenues	\$82,494,140	\$82,162,410	(\$331,730)	(0.4%)
Net Expenses	\$ 969,880	\$ 3,614,610	\$2,644,730	

Projected to Year-end based on the June 30th information, the unfavourable revenue variance of (0.3%) is offset by a favourable expenditure variance of 0.5%, resulting in a net favourable position of 0.2% as indicated in Table 2 below.

Table 2 PROJECTED TO YEAR END

Corporate Overview Variances projected to Year-End	1995 BUDGET (1)	1995 PROJECTED ACTUAL (2)	FAVOURABLE / (UNFAVOURABLE) VARIANCE (1-2) (3)	VARIANCE PERCENTAGE (3/1) (4)
Expenses	\$165,088,990	\$164,258,640	\$ 830,350	0.5%
Revenues	\$165,088,990	\$164,542,950	(\$ 546,040)	(0.3%)
Net Expenses	\$ 0	\$ 284,310	\$ 284,310	0.2%

SIGNIFICANT SERVICE/PROGRAM EXPENDITURE VARIANCES

Total City expenditures to June 30 are 3.7% under budget, with 4.6% or \$3.1 million attributable to favourable departmental spending. The majority of departmental favourable variances are attributable to salary gapping due to vacancies, maternity leave, etc. Savings are also attributable to lower R & M costs in Property Maintenance, higher recovery rates in Architects and Real Estate, and favourable lease rates in Information Systems. Favourable spending in Financials/Other Budgets is attributable to several areas, namely the Senior Citizen's Tax Credit, the province's Supplementary Assessment Fee, and new Capital Programs affecting the current budget which do not as yet have any charges allocated to them.

SIGNIFICANT SERVICE/PROGRAM EXPENDITURE VARIANCES

By year end departmental budgets are expected to come in with a 0.8% favourable variance. Again, the main contributing factor is salary gapping savings. It should also be noted that Fleet Services Division of Public Works is anticipating an \$900,000 surplus for both June 30 and year end purposes. Financials/Other Budgets are all expected to be on budget with the only significant unfavourable Financial account being the Tax Remissions account which is expected to be \$300,000 overdraft by year end. However, should this projected overdraft in fact carry through to year end, a reserve is available to offset the overdraft if required. As well, it is difficult to determine the extent of the province's Supplementary Tax Fee which is not expected to be billed to the City until the end of the year, although a provision of \$440,000 has been budgeted for this item.

SIGNIFICANT REVENUE VARIANCES

Total City revenues to June 30 are marginally unfavourable at (0.5%), with departmental revenues making up about half of this variance of approximately (\$416,000.) The revenues most contributing to this unfavourable variance are parking fine revenues and building department revenues. These unfavourable revenue amounts are offset by a \$683,000 favourable lottery revenue to date due to increased lottery activity in the community exceeding original expectations.

By year end departmental revenues are expected to be (\$1.0) million unfavourable. The main factors contributing to this are \$714 million less projected parking fine revenues and building department revenues, combined with lower than budgeted cemetery and recreation revenues.

Financial revenues are (\$0.2) million unfavourable as at June 30 and are expected to be marginally favourable at 0.3% by year end. Favourable areas include Penalties and Interest Income of \$400,000, Payments in Lieu of Taxes of \$283,000, and Supplementary Taxes of \$123,000. Gross interest income on investments is expected to slightly exceed budget, however the portion allocated to current budget is expected to be \$400,000 unfavourable as there is a greater portion of interest income attributable to reserve and reserve fund balances.

It should also be noted that a \$1.0 million draw from Reserve For Tax Stabilization and a \$600,000 draw from Development Charges have been included in these estimates as provided for in the approved budget. As in previous years, should actual budget performance at year end indicate that the transfer from the Reserve for Tax Stabilization is not required, adjustments can be made accordingly.

IMPACT OF SERVICES/PROGRAMS APPROVED BY COUNCIL WITHOUT CURRENT FUNDING

The only new program approved by Council as of June 30, 1995 is the bid for the 2001 Canada Games. The total amount of \$140,000 is a one-time cost and was financed from existing funds in the Culture and Recreation Department and will therefore not have any impact on their current budget.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1995 September 20

REPORT TO: J. J. Schatz, Secretary
Committee of the Whole

FROM: J.G. Pavelka, P.Eng.,
Chief Administrative Officer
Chairman of Management Team

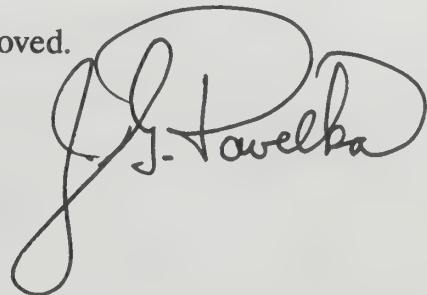
SUBJECT: 1996 Budget Process

RECOMMENDATION:

- a) That staff report, as part of the 1996 Budget deliberations, the service level, staffing and financial impacts of a zero percent tax increase.
- b) That all Boards, Subcommittees and other discretionary activities (e.g. Grants, SPCA) be asked to participate equally with respect to any corporate budget reduction targets.
- c) That staff report on a process to identify the basic and discretionary services provided by the municipality and their relative priorities.
- d) That the attached Budget Timetable be approved.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See below.



DISCUSSION:

1996 Current Budget Process

This report signifies the commencement of the 1996 Budget process with Committee and Council. The process builds upon initiatives commenced with the 1995 budget process, and contains the following major elements:

- Consideration of 1995 Departmental Current Budget Overviews by the Committee of the Whole
- Presentation of a 1996 Budget Macro Projection to Committee of the Whole
- Budget Call Letter Issued to All Departments and Agencies
- Staff Base Budget Submissions
- Preparation of Corporate and Departmental Budget Reduction Packages, identifying:
 - Service level implications
 - Staffing implications
 - Financial implications
- Management Team consideration of 1996 Budget Alternatives
 - Principles
 - Priorities
- 1996 Current Budget consideration by Committee of the Whole and Council
 - Report from Management Team
- Monthly status reports to the Committee of the Whole.

1996 Current Budget Guidelines

In order to guide these budget preparation and consideration stages, it is necessary to establish some critical budget parameters or directions at this time:

Effect of a Zero percent Tax Increase

Staff propose that the 1996 Process identify the service level, staffing and budgetary implications of a zero percent mill rate increase. This would be accomplished through the development of detailed base budget submissions and the creation and ranking of corporate and departmental budget reduction packages in a fashion similar to past years. In some cases, some of the potential corporate budget reduction alternatives such as the seniors tax rebate and a corporate user fee policy recommendation were identified as part of the 1995 process and as approved by Council are being developed further at the present time.

Staffing Implications

Given the level of increase projected in the 1996 budget macro and the cumulative effect of reductions to City operations achieved in previous years, it is likely that many of the budget reduction targets can only be achieved through service level adjustments which have

direct impacts upon staffing requirements. Vacancy levels throughout the Corporation are at extremely low levels at the present time, and such potential staffing reductions will undoubtedly affect existing staff. Management Team will propose guidelines on handling of staffing redundancies for consideration by Committee of the Whole at a subsequent meeting.

Budget Reduction Targets

In preparing budget packages, corporate and departmental budget reduction targets will be provided, and packages required to achieve those targets. The extent to which outside agencies (e.g. SPCA), local boards and other external programs (e.g. Community Grants) are required to participate in these budget reductions has varied in previous years. Staff propose that for 1996, all departments, agencies and external programs funded by the City be asked to participate equally in any corporate budget reduction targets. This has the effect of broadening the base for potential reductions, and thereby decreasing the level of reduction required of any entity.

Review of Municipal Service Priorities

For 1996, it is again proposed that primary reliance be placed upon a "pro-rating" type approach in distributing corporate budget reduction targets. Given the repeated financial challenges of recent years and the outlook for the future, it must be concluded that there will be an ongoing and likely intensifying need for financial restraint and reductions. In order to advance beyond a "pro-rating" process for future years' budget deliberations and consider significant resource allocation alternatives, a methodology should be established to allow consideration of service priorities across the corporation. This allows for identification of "core" and "discretionary" municipal services. It is recommended that staff proceed to develop a terms of reference for this service review and report back to Committee of the Whole at a subsequent meeting.

1996 - 2005 Capital Budget and Forecast Process

The Management Team, through its Capital Budget Sub-Committee, has been meeting on Capital Budget issues on a regular basis throughout 1995. All Departments have appeared before the Sub-Committee to review the projects under their jurisdiction, both prior years projects dating back to 1993 and projects contemplated in the future. The importance of completing capital projects on schedule and the closing of completed projects in due time has been emphasized to all departments.

Recognizing the need for austerity and acknowledging that 1996 will no doubt be a very difficult budget year, Management Team believes a strategic direction the City should take is one of maintaining our current infrastructure, be it roads, buildings, parks, et cetera. Accordingly, when evaluating each individual project for City Council's consideration, a higher priority may be placed on projects with the following criteria:

- (i) maintain existing municipal roads, buildings or other basic municipal infrastructure requirements; and,
- (ii) reduce ongoing staffing and/or operating costs for the Corporation.

In preparing the Capital Budget we have also asked Departments to revisit the requirement for a project, its scope, its estimated cost, and any operating cost implications emanating therefrom since some projects will have an effect on the Current Budget as well.

Timetable

Attached is the proposed overall budget schedule for 1996. The schedule advances proposed budget approval dates from the 1995 schedule, and calls for Council detailed consideration of the Capital Budget in early January 1996, followed by consideration of the Current Budget in late January and February.

THE CORPORATION OF THE CITY OF HAMILTON
1996 BUDGET TIMETABLE

CAPITAL

TIMEFRAME

CURRENT

AUGUST

WEEK OF AUGUST 28
CALL LETTER Sent Out

SEPTEMBER

**SEPTEMBER 26 COMMITTEE OF
THE WHOLE MEETING**
PRESENTATION OF 1996 CURRENT BUDGET
MACRO/TIMETABLE;
1995 BUDGET OVERVIEWS

SEPTEMBER 29
Submissions Returned
To Treasury

WEEK OF SEPTEMBER 18
Standing Committee
Review of June 30
Quarterly Reports

WEEK OF SEPTEMBER 25
1996 Current Budget
CALL LETTER Sent Out

OCTOBER

**OCTOBER 31 COMMITTEE OF
THE WHOLE MEETING**
CURRENT AND CAPITAL BUDGET UPDATE
- EMPHASIS ON CAPITAL BUDGET

OCTOBER 23 - 27
Standing Committee
Consideration of Projects

WEEK OF OCTOBER 23
Standing Committee
Review of September 30
Quarterly Reports

NOVEMBER

**NOVEMBER 28 COMMITTEE OF
THE WHOLE**
CURRENT AND CAPITAL BUDGET UPDATE

NOVEMBER 6 - 10
Standing Committee
Consideration of Projects
(if required)

NOVEMBER 1
Treasury Receives/Reviews
Current Budget Submissions

DECEMBER

DECEMBER 27 - 29
CHRISTMAS SHUTDOWN

NOVEMBER - DECEMBER
Management Team Reviews
and Finalizes Capital Budget
and Makes Recommendations
For Committee of the Whole

NOVEMBER - DECEMBER
Preparation of
Corporate and Departmental
Budget Reduction Packages

JANUARY

**JANUARY 9/96 COMMITTEE OF
THE WHOLE**
COMMITTEE OF THE WHOLE CONSIDERS AND
APPROVES 1996-2005 CAPITAL BUDGET

DECEMBER - JANUARY
Management Team
Consideration of Budget
Alternatives & Recommendations
to Committee of the Whole

**JANUARY 30/96 COMMITTEE OF
THE WHOLE**
1996 CURRENT BUDGET DELIBERATIONS

FEBRUARY

**FEBRUARY 13/96 COMMITTEE OF
THE WHOLE**
1996 CURRENT BUDGET DELIBERATIONS
(if required)

**FEBRUARY 26/96 COMMITTEE OF
THE WHOLE**
COMMITTEE OF THE WHOLE CONSIDERS
AND APPROVES 1996 CURRENT BUDGET

TREASURY DEPARTMENT

Purpose

The Treasury Department provides budgeting, accounting, revenue, purchasing and financial consultation services to all City Departments and Boards. This department ensures compliance with all provincial requirements, provisions and regulations which relate to the financial position of the City.

Organization Structure

The Treasury Department is organized into six functional divisions with employee complement as follows (please refer to the attached organization chart).

The Administration Division

- ▶ provides managerial direction, stenographic and administrative support for the Treasury Department.

The Budget Division

- ▶ assists with the formulation of plans and guidelines for the Current and Capital Budgets of the Corporation, as well as providing guidance and co-ordinating the budget process. Responsibilities also include the monitoring and maintenance of cash management and investment policies, the collection of all government subsidies, and special studies as assigned.

The Accounting Division

- ▶ maintains, administers the payroll, accounts payable, pensions, employee benefit functions and financial records of the Corporation.

The Revenue Division

- ▶ responsible for the controlling, administering, calculating, billing, and the collection of all Realty and Business taxes, Non Metered Water, Local Improvements and Special Charges for the City, Region, Education Boards and Business Improvement Areas, as well as the billing and collection of Accounts Receivable, Rents, and Loan Programs.

The Purchasing Division

- ▶ furnishes centralized purchasing for the acquisition of goods and services for all City and Regional Departments, Boards and Commissions.

The Internal Controls Division

- ▶ supports City management in the maintenance of internal controls reporting administratively to Treasury.

TABLE 1 - Summary of Organizational Structure

The Treasury Department has a current staff compliment of 68 employees. There is one less employee position in 1995 than 1994.

Treasury Department Division	1994 Employees (FTE)		1994 % FTE in each Division	1995 Employees (FTE)		1995 % FTE in each Division	Change in FTEs
	FT	PT		FT	PT		
Administration	8		11.6	8		11.8	0
Budget	3		4.3	3		4.4	0
Accounting	19		27.5	19		27.9	0
Revenue	23	3	37.7	22	3	36.8	(1)
Purchasing	12		17.4	12		17.6	0
Internal Controls	1		1.5	1		1.5	0
Total	66	3	100.0	65	3	100.0	(1)

Assumptions/Trends/Risks -- Organizational Structure

- ▶ During the 1995 Budget considerations, a staff position was deleted to reflect projected savings due to the implementation of a Point-of-Sale system which is an automated receipt tracking system. This system is to be integrated with the existing tax and parking violation systems, and is projected to be operational by October 1995.

TABLE 2 - Summary of Expenses/Revenues

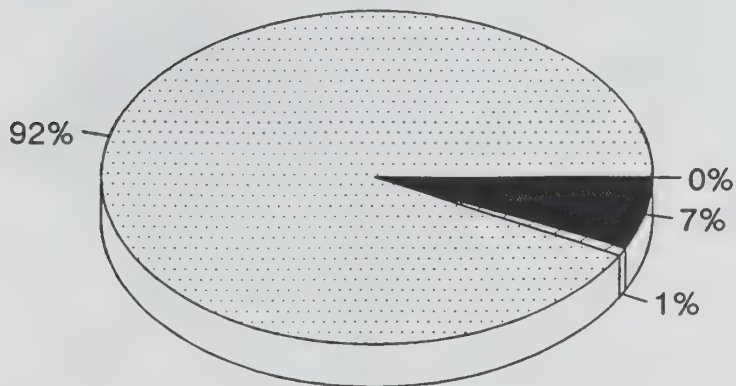
Department expenses are expected to increase by \$47,530 (1.4%) and revenues are expected to increase by \$33,730 (9.7%) in 1995.

Treasury Department	1994	1995	% Change 95/94
Gross Expenditures	\$3,868,620	\$3,892,650	0.6%+
Less: Recoveries	(\$465,940)	(\$466,560)	0.1%+
Net Expenses	\$3,402,680	\$3,426,090	0.7%+
Revenues	\$347,870	\$381,600	9.7%+
Net Total	\$3,054,810	\$3,044,490	0.3%-

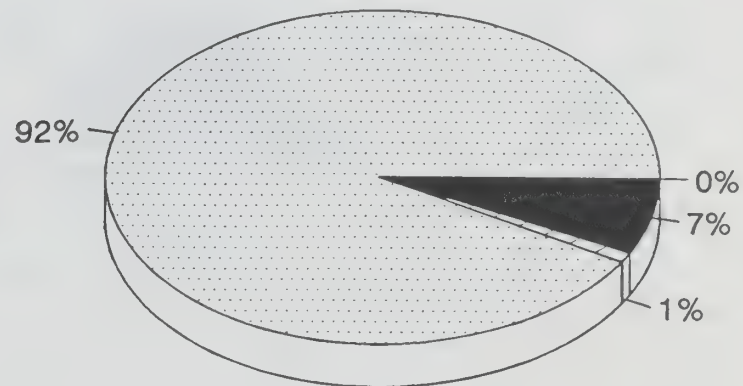
TABLE 3 - Summary of Expenses by Object of Expenditure

The following chart and corresponding table represents the expenditures of the department by Object of Expenditure. This "view" of expenditures helps indicate the allocation of resources by type (e.g. staff vs equipment and supplies).

1994 Object of Expenditure



1995 Object of Expenditure



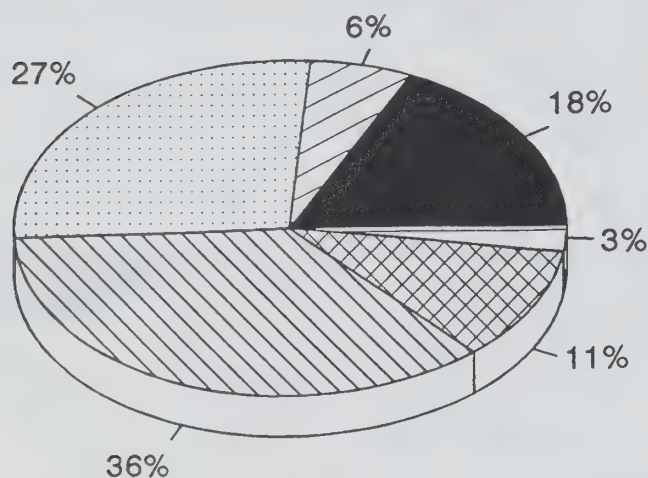
Salary/Benefits
 Other Expenses
 Materials & Supplies
 Contractual

Treasury Department by Object of Gross Expenditure	1994	% 1994 Total	1995	% 1995 Total	% Change 95/94
Salaries/Wages/Benefits	\$3,565,570	92.1%	\$3,569,020	91.7%	0.1%+
Materials & Supplies	\$270,380	7.0%	\$286,230	7.4%	5.9%+
Other Expenses	\$29,120	0.8%	\$34,200	0.8%	17.4%+
Contractual	\$3,550	0.1%	\$3,200	0.1%	9.9%-
Total	\$3,868,620	100.0%	\$3,892,650	100.0%	0.6%+

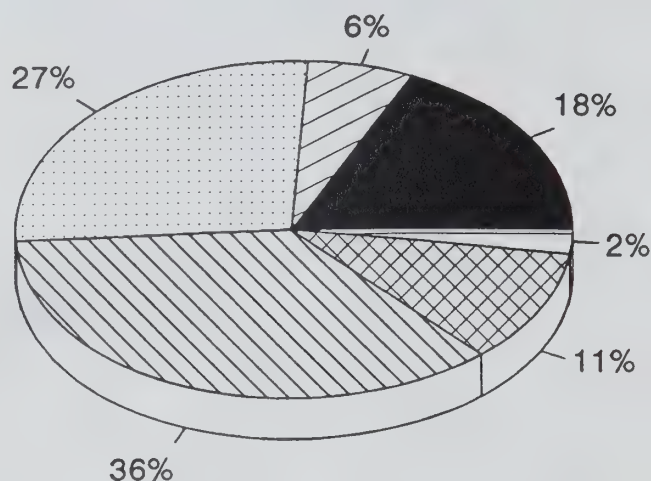
TABLE 4 - Summary of Expenses by Division

The following chart and corresponding table represents a summary of expenses by Department division to indicate the amount of resources associated with each division of the Department and the corresponding service provided within each division.

1994 Expenses By Division



1995 Expenses By Division



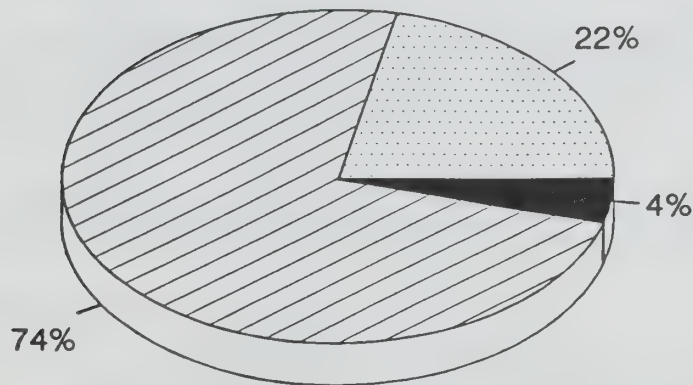
Administration
 Budgets
 Accounting
 Revenue
 Purchasing
 Internal Control

Treasury Dept Division	SubGroup/ Division	1994 Expenses	1994 % each Division	1995 Expenses	1995 % each Division	% Change 95/94
Administration		\$604,080	17.8%	\$617,320	18.0%	2.2%+
Budget		\$203,470	6.0%	\$206,680	6.0%	1.6%+
Accounting	Payroll	\$213,040	6.3%	\$209,230	6.1%	1.8%-
	Pensions	\$92,860	2.7%	\$92,870	2.7%	0.0%
	Accounts Payable	\$257,780	7.6%	\$256,860	7.5%	0.3%-
	Accounting	\$355,080	10.4%	\$359,070	10.5%	1.1%+
Revenue	Sundry	\$501,500	14.7%	\$469,470	13.7%	6.4%-
	Taxation	\$717,990	21.1%	\$757,440	22.1%	5.5%+
Purchasing	Administration	\$224,580	6.6%	\$228,230	6.7%	1.6%+
	Stores	\$146,790	4.3%	\$148,140	4.3%	0.9%+
Int Control		\$85,510	2.5%	\$80,780	2.4%	5.5%+
Total		\$3,402,680	100.0%	\$3,426,090	100.0%	0.7%+

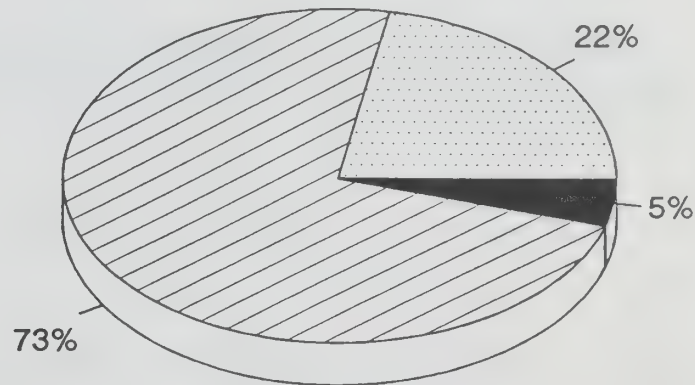
TABLE 5 - Summary of Revenues by Department Division

The following chart and corresponding table represents a summary of revenues by division and type of service to indicate the amount of revenues derived from each type of service.

1994 Revenue By Division



1995 Revenue By Division



 Sundry Revenue  Taxation  Purchasing

Treasury Dept Division	SubGroup/ Division	1994 Revenues	1994 % Total	1995 Revenues	1995 % Total	% Change
Revenue	Sundry	\$75,280	21.6%	\$84,340	22.1%	12.0%
	Taxation	\$257,590	74.1%	\$279,760	73.3%	8.6%
Purchasing		\$15,000	4.3%	\$17,500	4.6%	16.7%
Totals		\$347,870	100.0%	\$381,600	100.0%	9.7%

Impact of Capital Budget on Current Budget

A \$30,000 annualized savings is projected from the additional financing required for the continuation of the funding for the Property Tax System development. This relates to the implementation of the Point of Sale system.

Departmental Plans and Initiatives

The operational plans include the continuation of operational re-engineering to increase effectiveness and efficiencies, and the progressive updating of existing systems to meet the increase service demands of the public and various civic departments. For 1995 specific initiatives include organizational review and restructuring, continued development of the property tax system, implementation of revised business tax collection procedures, issuing an RFP for outsourcing of payroll/employee benefit suppliers and ongoing consideration of the potential amalgamation of the Treasury/Regional Finance and Purchasing /HSR Purchasing functions.

The Corporation of the City of Hamilton

Current Budget Overview

LAW DEPARTMENT

Purpose: Mission Statement

To ensure the efficient provision of the highest quality legal advice and representation, both preventative and remedial, to The Corporation of the City of Hamilton, by a professional team, maintained by a continuous program of staff development.

Organization Structure

Three functional divisions. Employee complement of 22. (See organization chart.)

Administration

- ▶ This division is responsible for managerial support and direction; administrative policies, accounting and budget controls and reports; administrative support, and retention and review of external counsel assignments.

Development & Real Estate

- ▶ The Development & Real Estate Division is responsible for all City real estate projects:
- ◆ land purchases and sales, long term leases
- ◆ easements and liens on title, encroachments
- ◆ realty tax arrears sales
- ▶ This division is also involved in negotiation and drafting development agreements
- ◆ subdivision agreements
- ◆ site plans,
- ◆ Land Division Committee and lot grading agreements,
- ◆ OMB hearings on zoning and official plan appeals,
- ◆ Rental Housing Protection Act approvals.

Corporate and Litigation

- ▶ The Corporate & Litigation Services Division is responsible for:
- construction and purchase of services contract negotiation and drafting,
- contract disputes, bankruptcy, performance bonds
- Administrative Tribunals: Licensing, Labour/Employment
- Freedom of Information/Protection of Privacy Act,
- Insurance
- financial aspects of the corporation (eg taxation, development charges),
- prosecution/enforcement of all By-laws (including the City of Hamilton Health By-law)
- general litigation for the corporation

This division is responsible for all non-real estate matters for the City (including HECFI, Hamilton Public Library, the Parking Authority etc.)

TABLE 1 - Summary of Organizational Structure

Law Department Division	1994 Employees (FTE)		1994 % FTE in each Division	1995 Employees (FTE)		1995 % FTE in each Division	Change in FTEs
	FT	PT		FT	PT		
Administration	2.1		9.6	2.1		9.6	0
Corp. & Litigation	10.85		49.3	10.85		49.3	0
Dev. & Real Estate	9.05		41.1	9.05		41.1	0
Total	22		100%	22		100%	0

Assumptions/Trends/Risks -- Organizational Structure

The department carries out its mandate in work units generally structured under two divisions as represented in the Organization Chart. One underlying assumption is that the needs of the corporation for legal work reflects the external climate and therefor must be flexible in response, yet well founded in core service. The work units are small and fluid. All staff, lawyers, paralegals and administrative, are gaining experience in each of the areas listed above. Staff assignments alternate between divisional responsibilities.

Since this format was not utilized in 1994 for corporate reporting of project specific time allocation, the figures for 1994 were approximated as those for 1995. Future reports will indicate the response internally to the changing environment.

This department strives to identify the necessary core service demands maintaining responsiveness and flexibility through both cross-training of all staff and use of external counsel, predominantly local, for work load and areas of special expertise.

The number of permanent full time staff has been able to decrease over the last several years, thanks to the expanded skills of all employees, including inter departmental task forces, and with the assistance of local law firms.

TABLE 2 - Summary of Expenses/Revenues

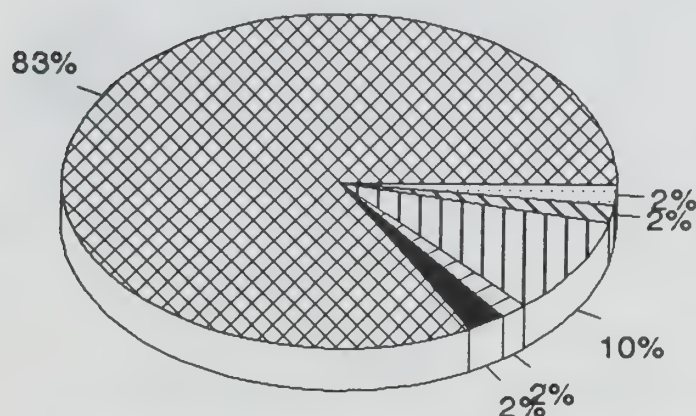
Department expenses are stable. This department predicts no revenues, but on occasion is awarded costs in litigation.

Law Department	1994	1995	% Change 95/94
Gross Expenditures	\$1,588,360	\$1,588,330	0%
Less: Recoveries			
Net Expenses			
Revenues			
Net Total	1,588,360	\$1,588,330	0%

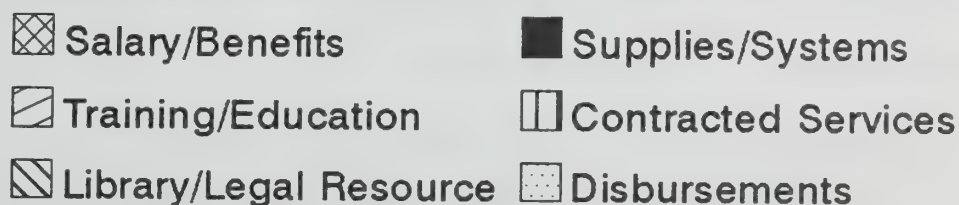
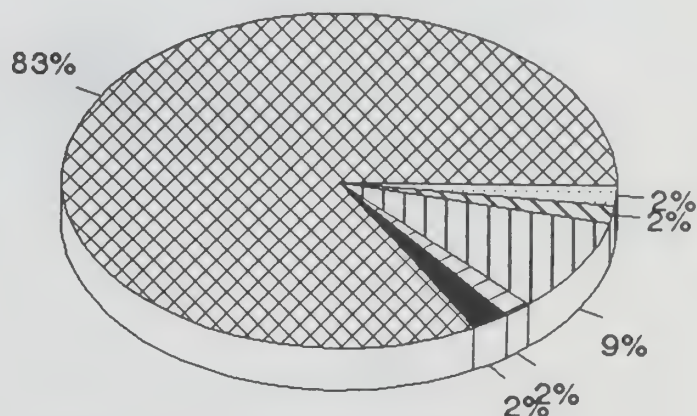
TABLE 3 - Summary of Expenses by Object of Expenditure

The following chart and corresponding table represents the expenditures of the department by Object of Expenditure. This "view" of expenditures helps indicate the allocation of resources by type (e.g. staff vs equipment and supplies).

1994 Object of Expenditure



1995 Object of Expenditure

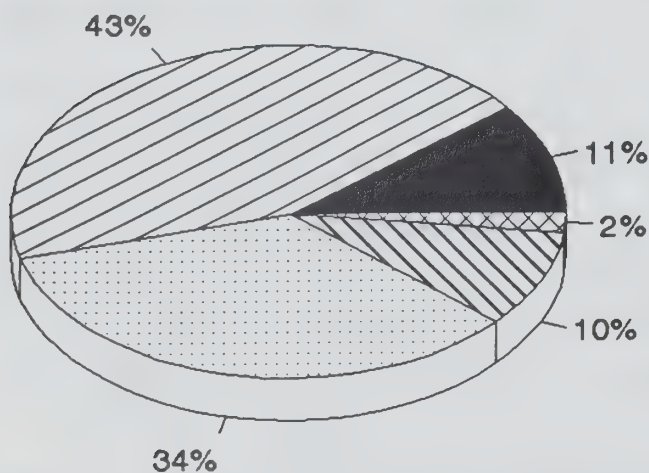


Law Department by Object of Gross Expenditure	1994	% 1994 Total	1995	% 1995 Total	% Change 95/94
Salaries/Wages/Benefits	\$1,315,880	82.8%	\$1,320,350	83.1%	0%
Office Supplies & Systems	\$35,780	2.3%	\$35,780	2.3%	0%
Training & Education	\$25,200	1.6%	\$25,200	1.6%	0%
Law Library/Legal Research	\$27,500	1.7%	\$27,500	1.7%	0%
Contracted Services	\$152,000	9.6%	\$147,500	9.3%	(-3.0%)
Disbursements	\$32,000	2.0%	\$32,000	2.0%	0%
Total	\$1,588,360	100.0%	\$1,588,330	100.0%	0%

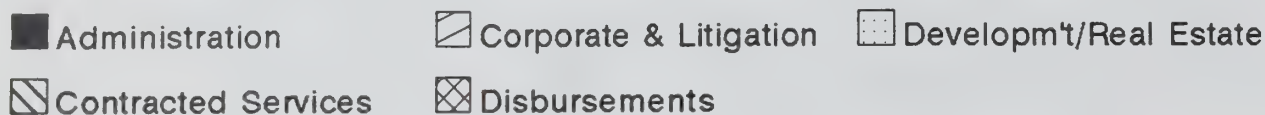
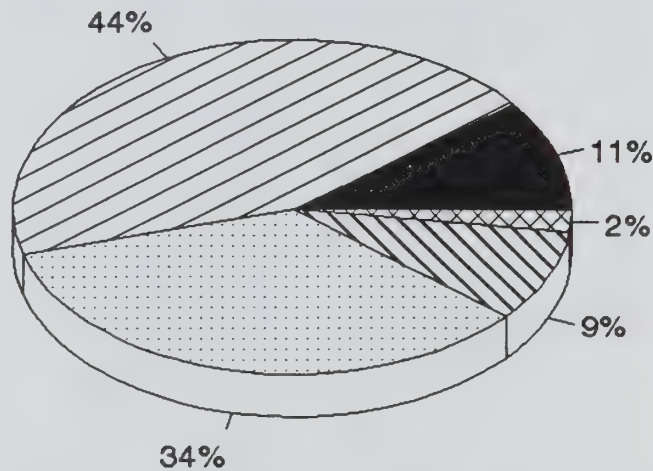
TABLE 4 - Summary of Expenses by Division

The following chart and corresponding table represents a summary of expenses by Department division to indicate the amount of resources associated with each division of the Department and the corresponding services provided within each division.

1994 Expenses By Division



1995 Expenses By Division



Law Dept Division	1994 Expenses	1994 % each Division	1995 Expenses	1995 % each Division	% Change 95/94
Administration	\$169,570	10.7%	\$169,570	10.7%	0%
Corporate & Litigation	\$690,860	43.5%	\$693,080	43.6%	0.3%
Development & Real Estate	\$543,930	34.2%	\$546,180	34.4%	0.4%
Contracted Services ₁	\$152,000	9.6%	\$147,500	9.3%	(-3.0%)
Disbursements ₁	\$32,000	2.0%	\$32,000	2.0%	0%
Total	\$1,588,360	100.0%	\$1,588,330	100.0%	0%

1. **Note:** Services are contracted for, and disbursements are incurred by, the Corporate & Litigation and the Development & Real Estate Divisions. Current budget tracking does not permit precise allocation of purchased services and disbursements between Divisions. This capability may be added in the future.

TABLE 5 - Summary of Revenues by Department Division

The following chart and corresponding table represents a summary of revenues by division and type of service to indicate the amount of revenues derived from each type of service.

This Chart is not applicable to the Law Department.

Law Dept Division	SubGroup/ Division	1994 Revenues	1994 % Total	1995 Revenues	1995 % Total	% Change
Revenue						
Totals						

Impact of Capital Budget on Current Budget

The Capital Budget impact on the Law Department's current budget is reflected in construction contracts (and disputes) and financial transactions, recorded under the Corporate & Litigation Services Division statistics.

Departmental Plans and Initiatives

- expand our corporate legal knowledge of new and changing legislation
- broaden the individual skills and training of current staff to meet changing needs
- identify core service and levels acceptable to council and other civic departments
- maintain out reach program with local law firms for community benefit
- expand interdepartment teams in prosecution and insurance for increased corporate use/benefit

FIRE DEPARTMENT

Purpose

The Fire Department provides protection of life and property, from fire within the city. This is accomplished through our commitment to fire prevention programs, fire code enforcement and public education efforts; an all inclusive training program; and the ability to respond to emergencies with sufficient resources to mitigate the situation.

Fire Department Mission Statement:

"To minimize the loss of life and property resulting from fires, medical emergencies and other disasters"

Organization Structure

The Fire Department is organized into six functional divisions with employee complement as follows (please refer to the attached organization chart).

Administration Division

- ▶ provides support and direction to the other divisions of the department, capital and current budget preparation and public and media relations functions.

Training Division

- ▶ responsible for the training of probationary firefighters as well as the continuous upgrading, competence and proficiency of all fire suppression personnel for compliance to legislated training standards.

Fire Prevention Division

- ▶ responsible for the inspection of all buildings in the City of Hamilton to ensure compliance with various levels of legislation and to promote fire safe practices for the community.

Mechanical Division

- ▶ responsible for the research and preparation of apparatus specifications, repair and maintenance of emergency apparatus and related equipment to legislated standards.

Communications Division

- ▶ receives and relays requests for emergency assistance from the public and other emergency services / agencies and provides the dispatching of all fire emergency calls in the City of Hamilton and area municipalities comprising the Regional Municipality of Hamilton-Wentworth.

Fire Suppression Division

- ▶ provides emergency fire and rescue services associated with medical emergencies, hazardous materials incidents and other disasters, and fire prevention measures through Home and Commercial Inspections.



Hamilton Fire Department Organizational Chart

as of December 31, 1994

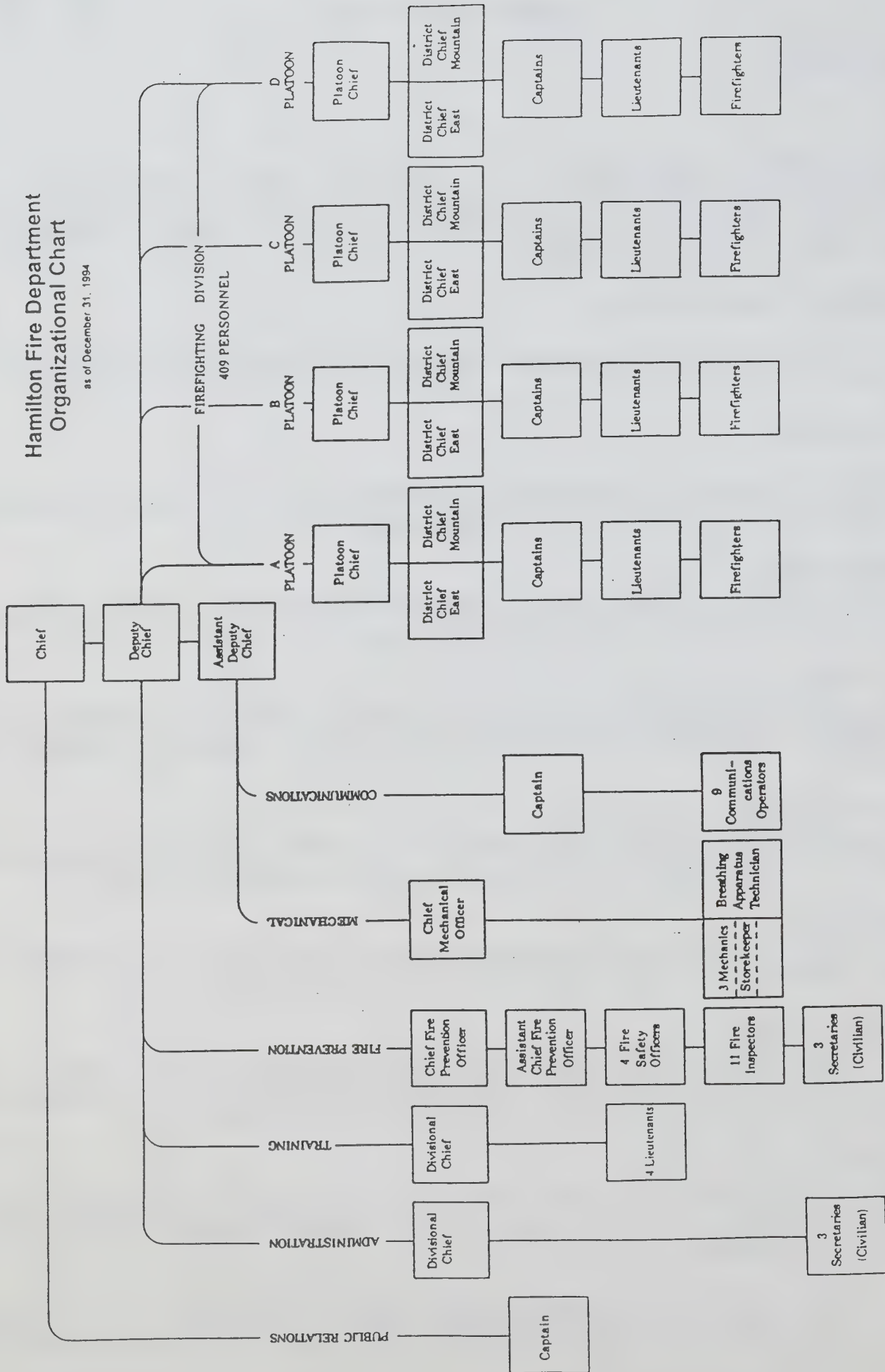


TABLE 1 - Summary of Organizational Structure

The Fire Department has a current staff compliment of 458 employees. There are the same number of employee positions in 1995 as in 1994 and 43 less positions than in 1991.

Fire Department Division	1994 Employees (FTE)		1994 % FTE in each Division	1995 Employees (FTE)		1995 % FTE in each Division	Change in FTEs
	FT	PT		FT	PT		
Administration	5	0	1.1	5	0	1.1	0
Training	5	0	1.1	5	0	1.1	0
Fire Prevention	20	0	4.4	20	0	4.4	0
Mechanical	6	0	1.3	6	0	1.3	0
Communications	10	0	2.2	10	0	2.2	0
Fire Suppression	412	0	89.9	412	0	89.9	0
Total	458	0	100.0	458	0	100.0	0

Note [1] The Administration Division includes the Public Relations Officer. Fire Suppression includes the Chief, Deputy Chief and Assistant Deputy Chief.

TABLE 2 - Summary of Expenses/Revenues

Department expenses are expected to decrease by \$ 30,050.00 or 0.1% and revenues are expected to increase by \$ 9,970.00 or 12.0% in 1995.

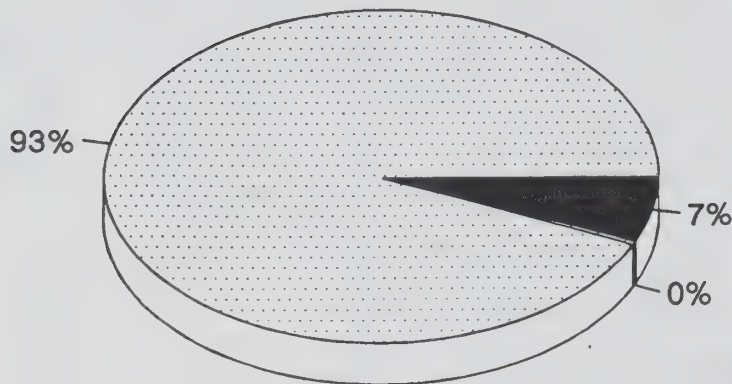
Fire Department	1994	1995	% Change 95/94	Note
Gross Expenditures	31,756,100	31,726,050	(0.1)	
Less: Recoveries	(191,520)	(191,520)	0	
Net Expenses	31,564,580	31,534,530	(0.1)	[1]
Revenues	82,750	92,720	12.0	
Net Total	31,481,830	31,441,810	(0.1)	

Note [1] Amounts being compared are budget appropriations.

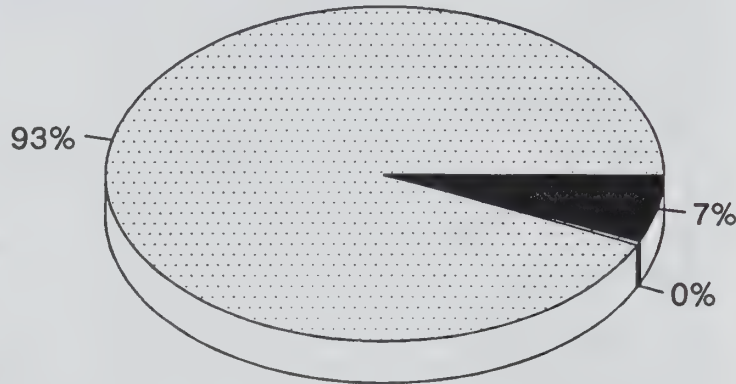
TABLE 3 - Summary of Expenses by Object of Expenditure




The following chart and corresponding table represents the expenditures of the department by Object of Expenditure. This "view" of expenditures helps to indicate the allocation of resources by type (e.g. staff vs equipment and supplies).

1994 Object of Expenditure



1995 Object of Expenditure



 Salary/Benefits
  Vehicle/Equipment
  Materials & Supplies

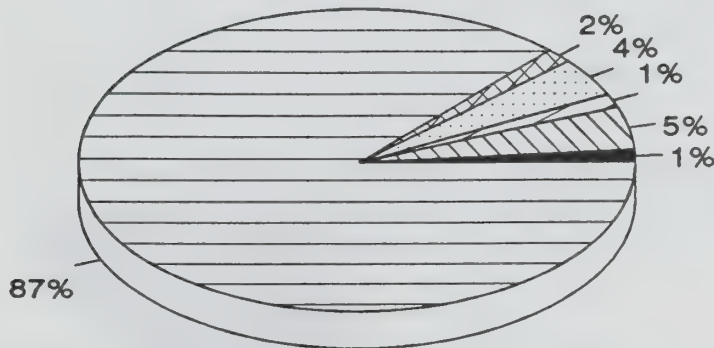
Fire Department by Object of Expenditure	1994	% 1994 Total	1995	% 1995 Total	% Change 95/94	Notes
Salaries/Wages/Benefits	29,569,670	93.7	29,492,510	93.5	(0.3)	
Materials & Supplies	2,074,940	6.6	2,115,280	6.7	1.9	
Purchased/Contracted	0	0.0	0	0.0	n/a	
Vehicle/Equipment	111,490	0.3	118,260	0.4	6.1	
Total	31,756,100	100.0	31,726,050	100.0	(0.1)	[1]

Note [1] Represents the gross amount before cost recoveries of \$191,520 in 1994 and 1995 as the result of communications charges to area municipal fire departments.

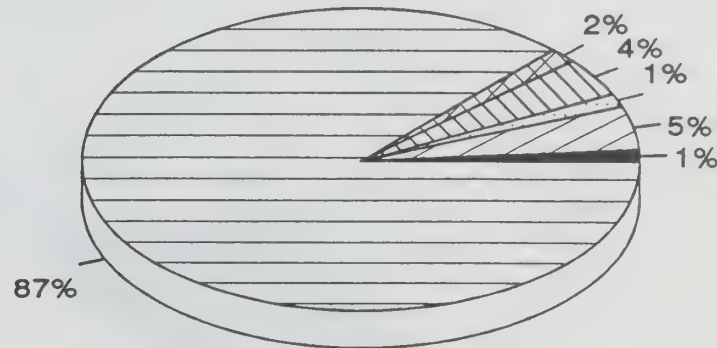
TABLE 4 - Summary of Expenses by Division

The following chart and corresponding table represents a summary of expenses by each division to indicate the amount of resources associated with each division of the Department and the corresponding services provided by each division.

1994 Expenses By Division



1995 Expenses By Division



Administration	Mechanical	Training
Fire Prevention	Communications	Fire Suppression

Fire Dept Division	1994 Expenses	1994 % each Division	1995 Expenses	1995 % each Division	% Change 95/94	Note
Administration	414,920	1.3	416,830	1.3	0.4	
Training	435,010	1.4	437,570	1.4	0.6	
Fire Prevention	1,309,950	4.2	1,317,690	4.2	0.6	
Mechanical	1,428,780	4.5	1,430,990	4.5	0.1	
Communications	498,030	1.6	502,520	1.6	0.9	[1]
Fire Suppression	27,477,890	87.0	27,428,930	87.0	(0.2)	
Total	31,564,580	100.0	31,534,530	100.0	(0.1)	

Note [1] Expense amount is the net cost after recovery of communications charges to area municipal fire departments.

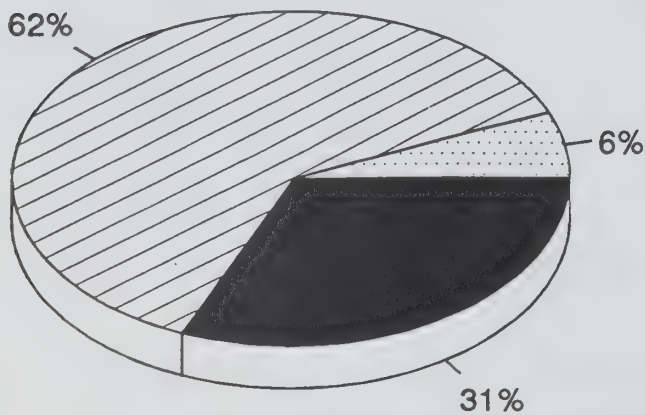
Assumptions, Risks, Trends - Expenses

- ▶ Employee benefit and utility cost increases exceed other "controllable" expenditures.

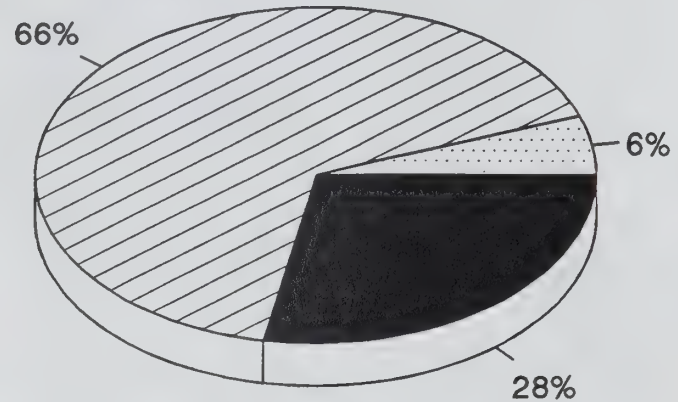
TABLE 5 - Summary of Revenues by Division

The following chart and corresponding table represents a summary of revenues by each division to indicate the amount of revenues derived from each type of service.

1994 Revenue By Division



1995 Revenue By Division



 Training
  Fire Prevention
  Fire Suppression

Fire Department Division	1994 Revenues	1994 % Total	1995 Revenues	1995 % Total	% Change 95/94	Notes
Administration	0	0.0	0	0.0	0.0	
Training	5,250	6.4	5,250	5.7	0.0	
Fire Prevention	51,500	62.2	61,470	66.3	19.4	
Mechanical	0	0.0	0	0.0	0.0	
Communications	0	0.0	0	0.0	0.0	[1]
Fire Suppression	26,000	31.4	26,000	28.0	0.0	
Totals	82,750	100.0	92,720	100.0	12.0	

Note [1] Communications charges to area municipal fire departments are budgeted as a cost recovery, not as a revenue.

Assumptions, Risks, Trends - Revenues

1. Highway response revenue is based on previous years' experiences and rates established by Ministry of Transportation Ontario.
2. Rates charged for fire inspection services have been increased to reflect the David M. Griffith and Associates Limited review of cost of service analysis.
3. Revenue reduction from reduced usage of training complex by area municipal fire departments may be partially offset by use by private industry.

Typical Service Levels

- ▶ Average emergency response time of 3.5 minutes
- ▶ Inspection of public buildings once per year as an established average objective or on a complaint basis.

Impact of Capital Budget on Current Budget

There are currently no capital budget expenditure forecast that will have an impact on the 1995 current budget.

Departmental Plans and Initiatives

Reorganization

The purchase of 2 multi-purpose vehicles (Quints) has enabled the reduction of staff which has taken place.

Computer aided dispatch

will improve vehicle and records management.

Current Budget Overview

PROPERTY DEPARTMENT

Purpose

The Property Department essentially functions as owner and landlord for various City owned facilities. More specifically, the Department's core services centre around City owned facilities, both existing and proposed, and the efforts required to acquire, manage, design, construct and/or renovate, and maintain them.

Department Mission Statement: To acquire, manage, design, construct, renovate and maintain property for civic use.

Organization Structure

The Property Department is organized into four functional divisions with employee complement as follows (please refer to the attached organization charts).

Administration Division

- Provides support and direction to other department divisions, including the co-ordination of administrative services, budget preparation and monitoring, policy implementation and development, and the management of internal controls.

Architectural Division

- Provides various services to City capital construction/building projects namely, project management, architectural design, construction management, commissioning and advisory services.

Building Operations & Maintenance Division

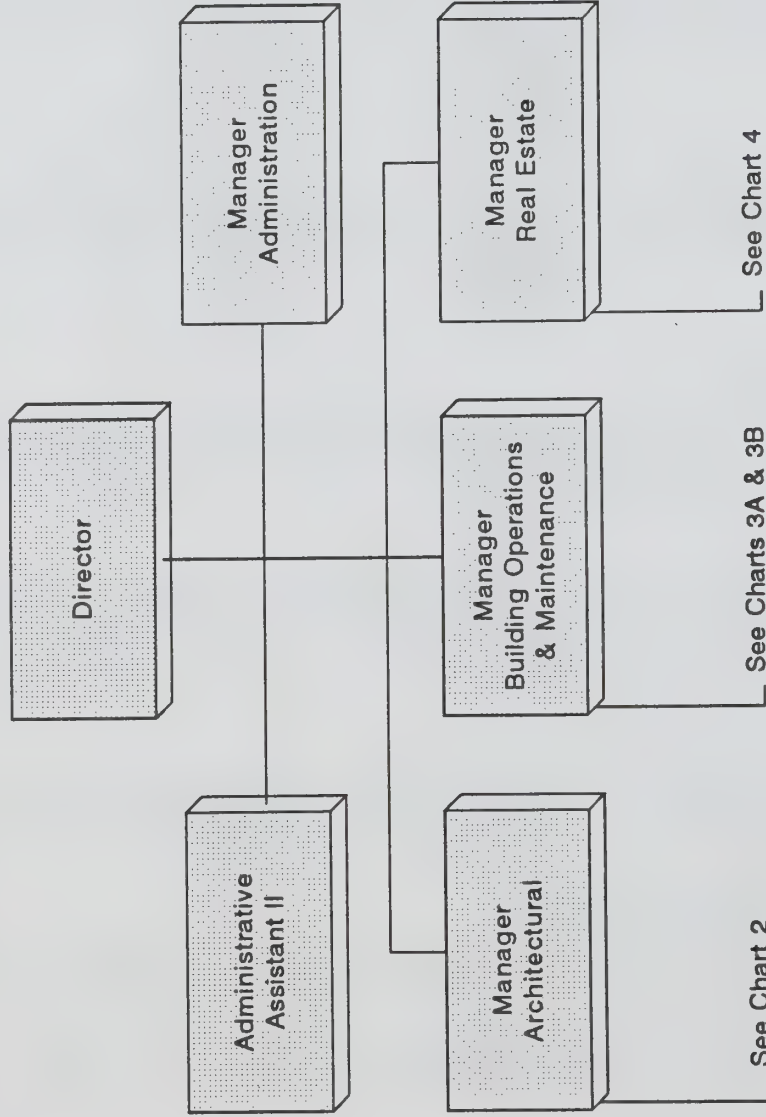
- Administers a complete building maintenance program, for approximately 200 City owned facilities, including preventative maintenance, cleaning and caretaking, renovations, and energy management.
- Operates and maintains the Central Utilities Plant, which supplies utilities and environmental control to approximately 1,500,000 square feet of office, institutional and entertainment space in the City's downtown core.

Real Estate Division

- Provides a complete package of real estate services to both City and Regional Departments (the latter on a fee basis), including the acquisition and disposition of property, marketing of industrial lands, management of real estate, appraisal expertise, preparation of demolition specifications.

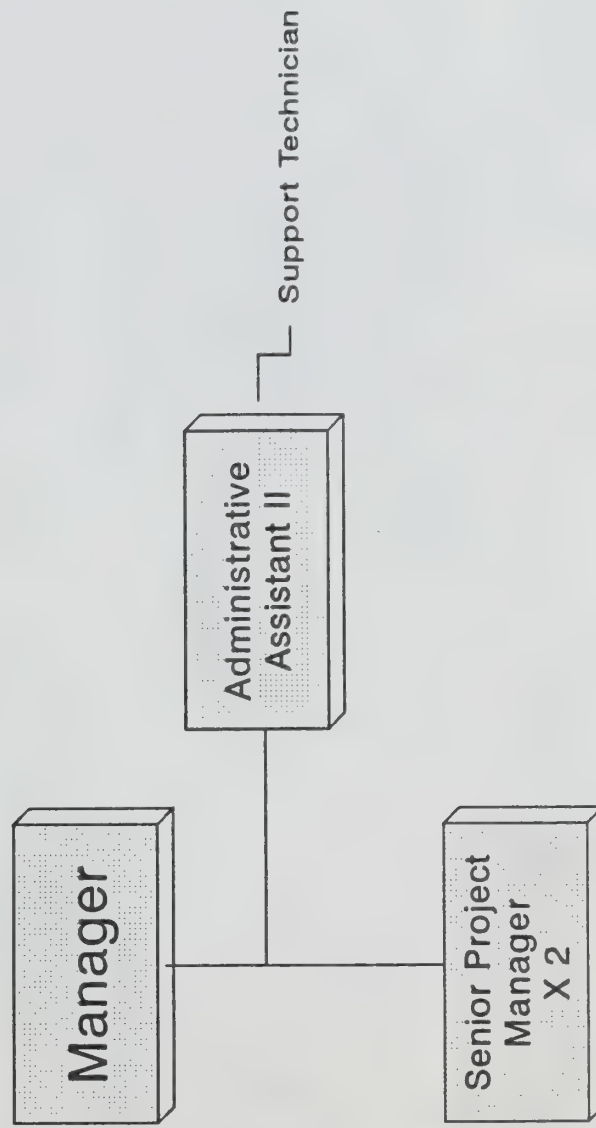
Property Department Administration

3 F.T.E.'s



Property Department Architectural Division

5 F.T.E.'s



Property Department Building Operations & Maintenance Division

64.5 F.T.E.'s

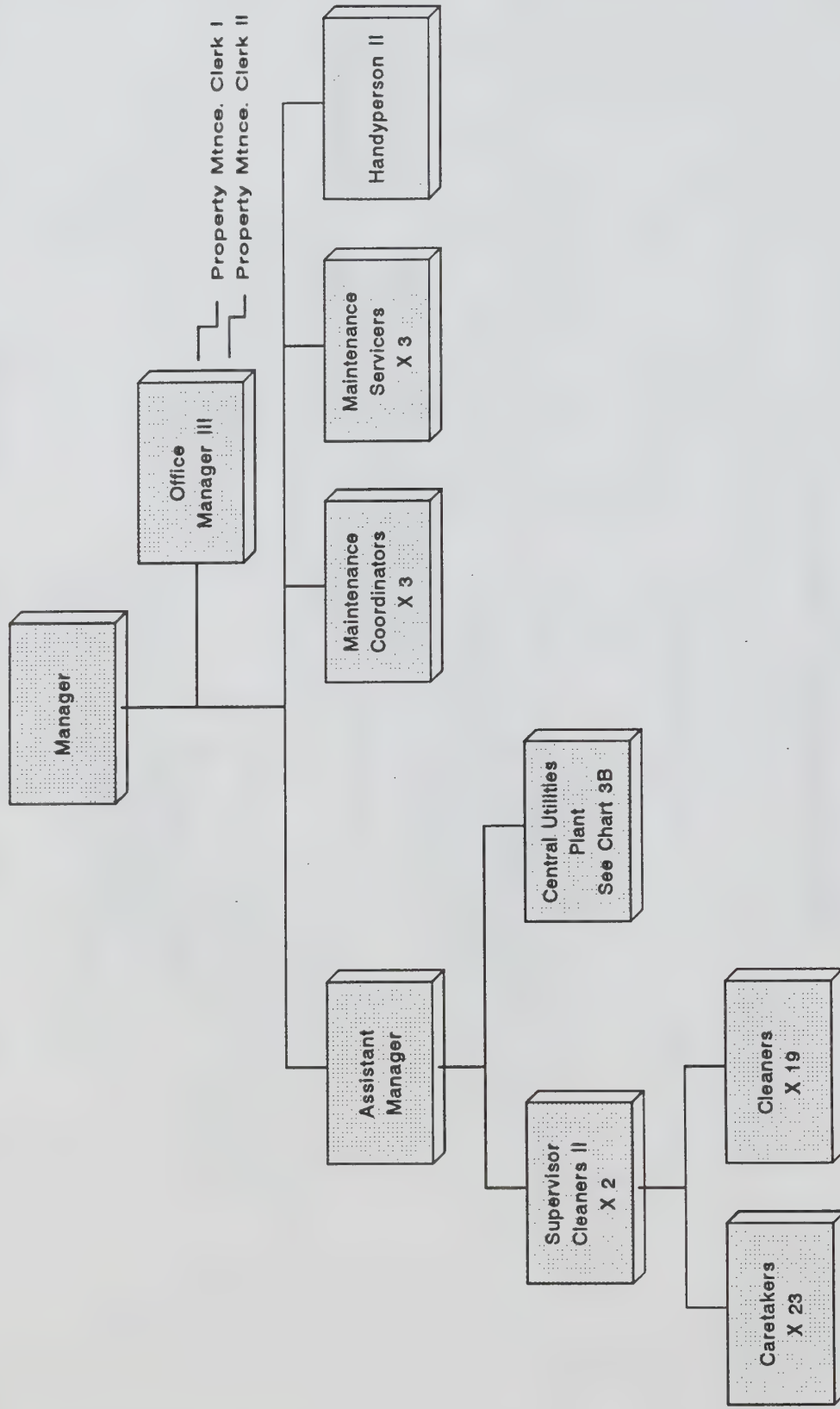


Chart 3A of 4

Property Maintenance

Property Department

Building Operations & Maintenance Division

(continued)

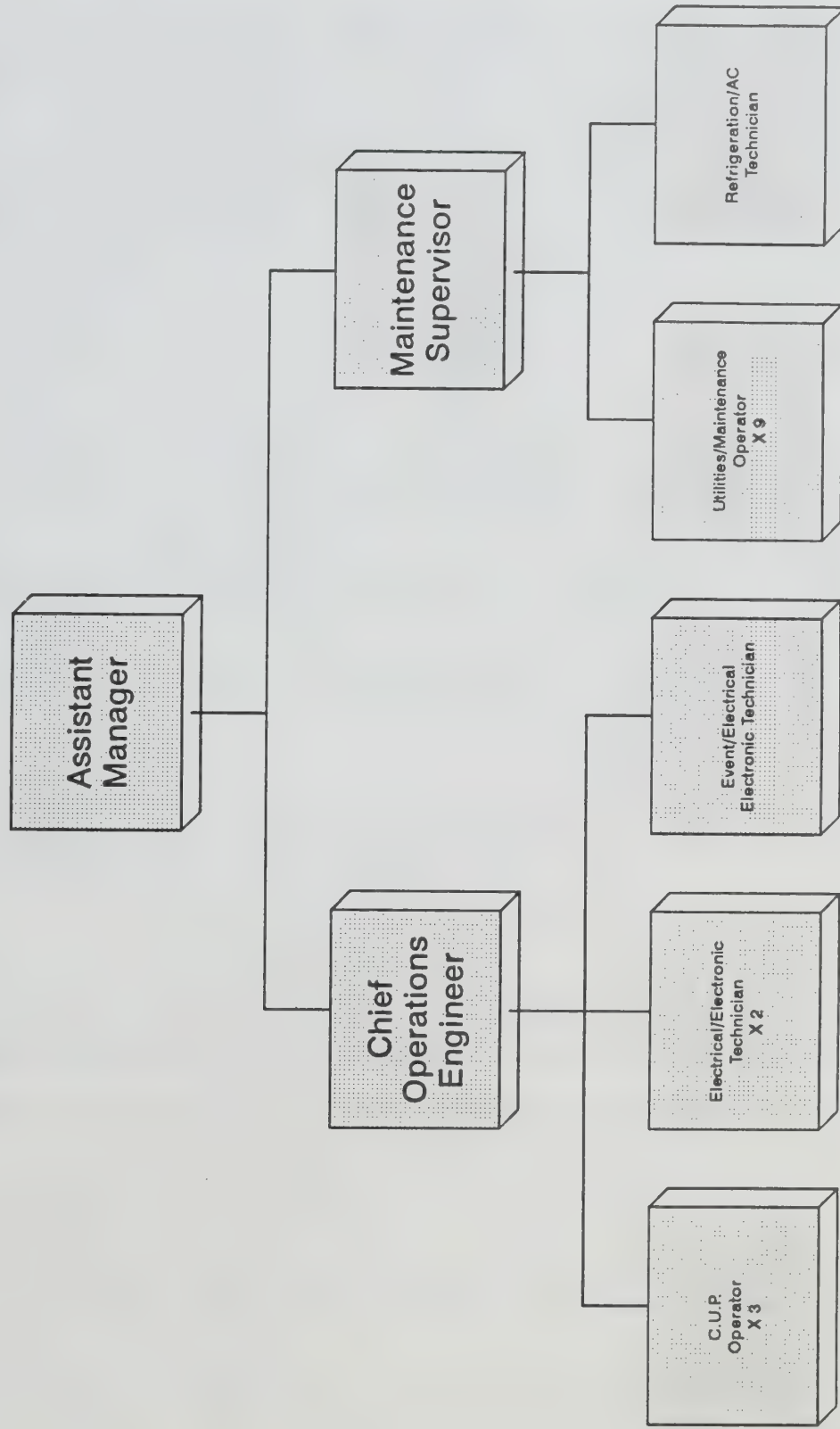


Chart 3B of 4

Central Utilities Plant

Property Department Real Estate Division

11 F.T.E.'s

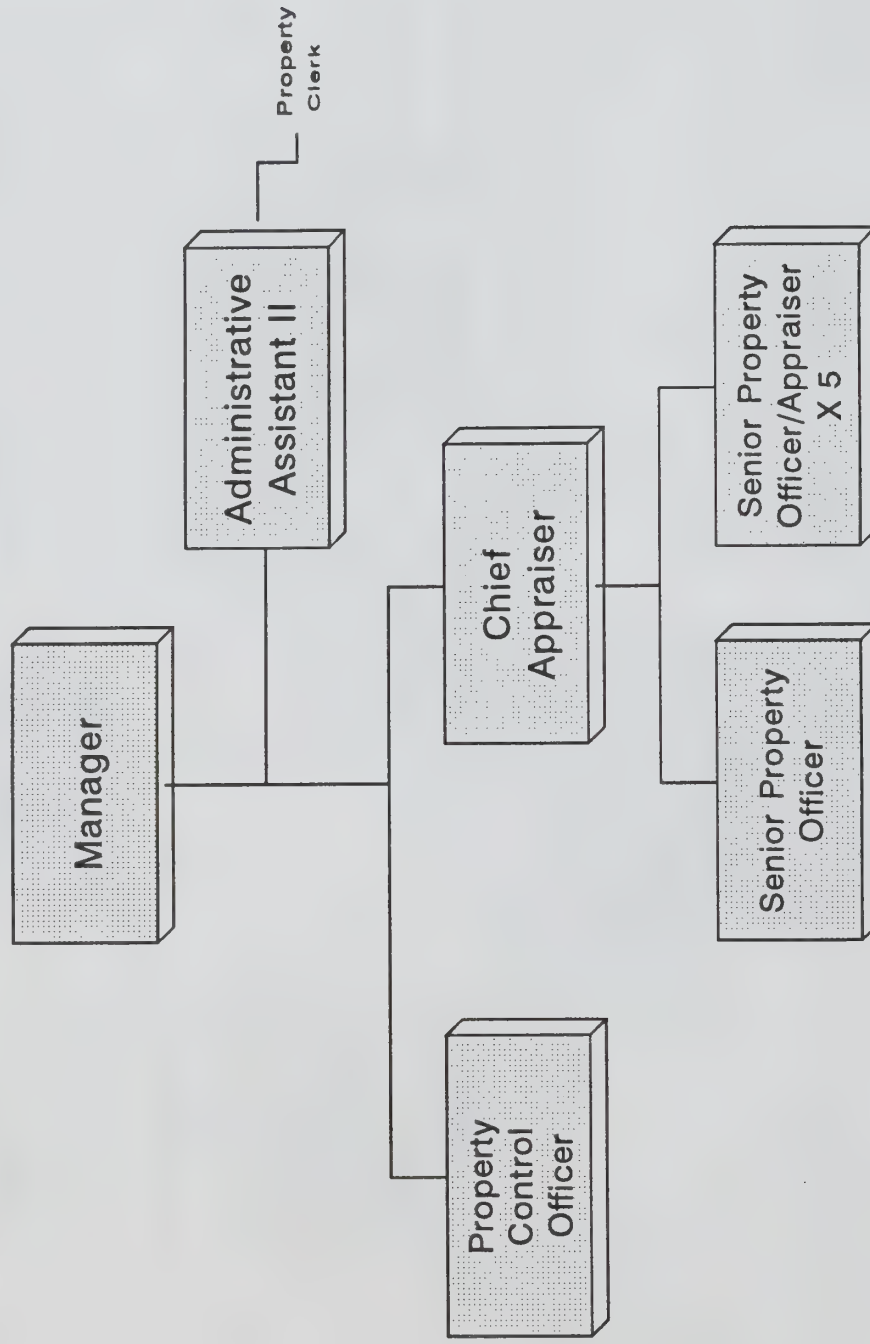


Chart 4 of 4

TABLE 1 - Summary of Organizational Structure

The Property Department has a current staff complement of 93 employees, which is a reduction of two positions over 1994 and 21 fewer positions than in 1991.

Property Department Division	1994 Employees (FTE)		1994 % FTE in each Division	1995 Employees (FTE)		1995 % FTE in each Division	Change in FTEs
	FT	PT		FT	PT		
Administration	3.0		3.5	3.0		3.6	0
Architectural	7.0		8.2	5.0		6.0	(2)
Bldg. Op. & Mtnce.	55.0	9.5	75.4	55.0	9.5	77.2	0
Real Estate	11.0		12.9	11.0		13.2	0
Total	76.0	9.5	100.0	74.0	9.5	100.0	(2)

Notes [1] During the 1995 Budget process, two vacant positions were deleted from the Architectural Division's complement to reflect Council's direction that the Division only work on projects authorized prior to 1995.

[2] The part time (PT) employees are cleaners, which total 19 in complement.

TABLE 2 - Summary of Expenses/Revenues

PROPERTY DEPARTMENT	1994	1995	% Change 95/94	Notes
Expenses	10,322,260	10,006,110	3.1-	[1]
Revenues	824,590	728,740	11.6-	[2]
Net Total	9,497,670	9,277,370	2.3-	

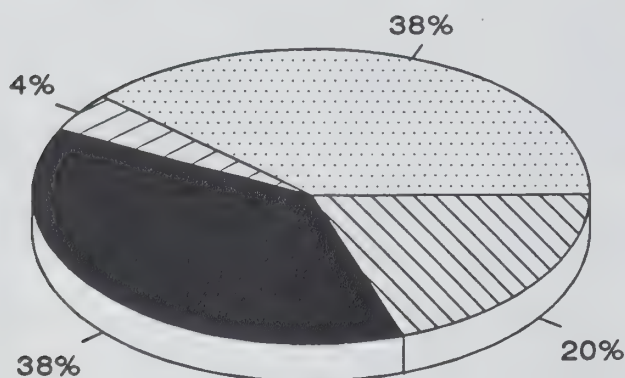
Notes [1] The reduced expenditure requirements are attributable to the following: the privatization of the Twin Pad Arena (effective August 1, 1994), a 1% hydro rate reduction, continuing staff energy management initiatives, deletion of two positions as noted above, and reductions to temporary salary provisions.

[2] The reduced revenue target is primarily attributable to the restructuring of the Regional Planning Department, effective April 1, 1995, and the resultant loss of rent revenue to the Property Department.

TABLE 3 - Summary of Expenses by Object of Expenditure

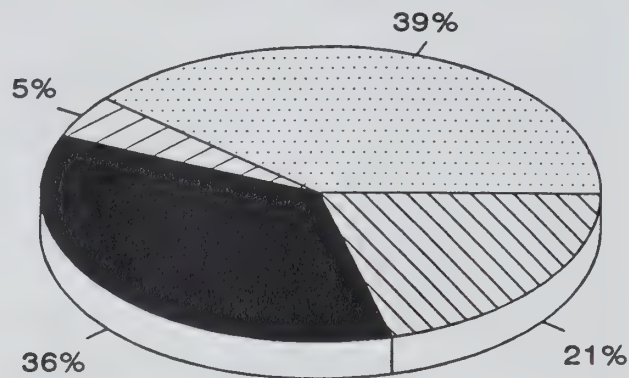
The following chart and corresponding table represents a summary of expenses by object of expenditure.

1994 Object of Expenditure



Recoveries \$1,922,050

1995 Object of Expenditure



Recoveries \$1,831,900

Salary/Benefits
 Other
 Utilities
 Repairs & Maintenance

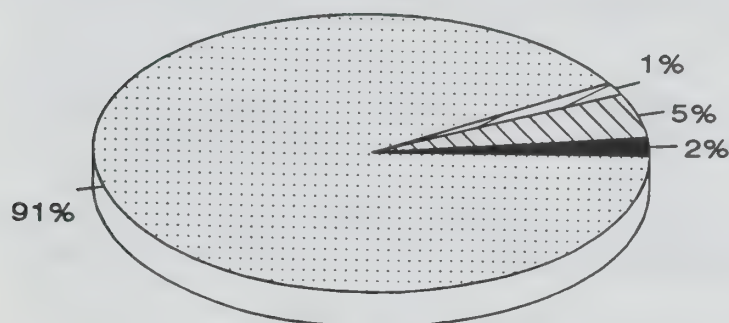
Property Department by Object of Expenditure	1994	% 1994 Total	1995	% 1995 Total	% Change 95/94	Notes
Salaries/Wages/Benefits	4,702,160	45.6	4,595,810	45.9	2.3-	[1]
Utilities	4,598,900	44.5	4,221,490	42.2	8.2-	[2]
Repairs & Maintenance	2,409,680	23.3	2,458,500	24.6	2.0+	[3]
Recoveries	(1,922,050)	(18.6)	(1,831,900)	(18.3)	4.7-	[4]
Other	533,570	5.2	562,210	5.6	5.4+	[5]
Total	10,322,260	100.0	10,006,110	100.0	3.1-	

- Notes** [1] Decrease in salaries/wages/benefits is due to the deletion of two positions within the Architectural Division.
- [2] Decrease in utility costs resulted from the privatization of the Twin Pad Arena, a 1% hydro rate reduction, and staff's continuing energy management initiatives.
- [3] Increase in repairs and maintenance costs reflect anticipated spending requirements, partially offset by approved reductions.
- [4] Decrease in total recoveries is primarily attributable to the Architectural Division's reduced staff complement, resulting in fewer man hours available to spend on capital projects.
- [5] Increase in other costs is mainly due to the Department's 1995 corporate computer network implementation plan and the resultant funding requirements for computer hardware/software and related training.

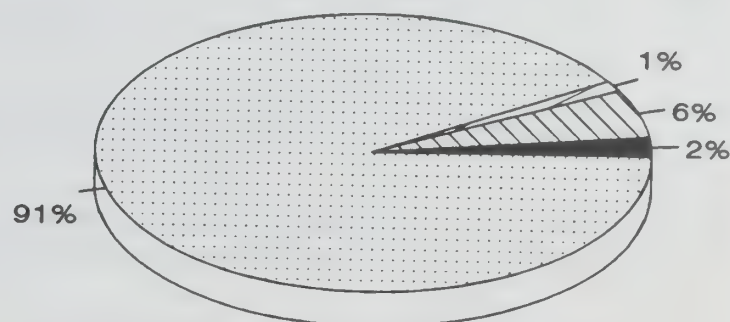
TABLE 4 - Summary of Expenses by Division

The following chart and corresponding table represents a summary of expenses by Department division to indicate the amount of resources associated with each division and the corresponding services provided within each division.

1994 Expenses By Division



1995 Expenses By Division



Administration
 Real Estate
 Architectural
 Building Op. & Mtnce.

Property Dept Division	Sub Group/ Section	1994 Expenses	1994 % each Division	1995 Expenses	1995 % each Division	% Change 95/94	Notes
Administration		234,130	2.3	242,720	2.4	3.7+	[1]
Architectural		152,350	1.5	128,370	1.3	15.7-	[2]
Bldg. Op. & Mtnce	Property Mtnce.	6,725,580	65.1	6,486,140	64.8	3.6-	[3]
	C.U.P.	2,674,430	25.9	2,590,630	25.9	3.1-	[4]
Real Estate		535,770	5.2	558,250	5.6	4.2+	[5]
Total		10,322,260	100.0	10,006,110	100.0	3.1-	

- Notes**
- [1] Increase attributable to the leasing of office equipment
 - [2] Decrease due to the deletion of two positions as well as the elimination of funding for temporary salaries.
 - [3] Decrease caused by the privatization of the Twin Pad Arena, a 1% hydro rate reduction, and continuing staff energy management initiatives.
 - [4] Decrease attributable to a reduction in anticipated hydro consumption at several facilities over 1994, as well as a 1% hydro rate reduction.
 - [5] Increase due to costs for additional computer hardware/software and related training as well as costs relating to the Division's recently acquired membership with the Metropolitan Hamilton Real Estate Board.

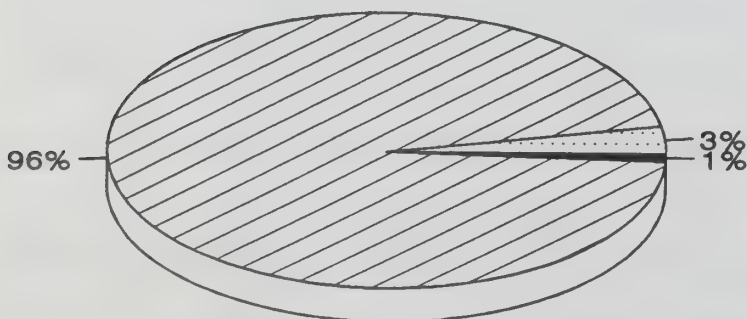
Assumptions (A), Risks (R), Trends (T) - Expenses

- A ▶ utility consumption based on average of prior years, adjusted where applicable to reflect known changes (i.e. energy management initiatives, other renovations, facility usage, etc.)
- A ▶ utility rates will remain unchanged throughout year
- R ▶ warmer than anticipated summer and/or cooler than anticipated winter, resulting in increased usage of cooling and/or heating systems
- R ▶ increase in event related activity generated by Copps Coliseum, Hamilton Place, and the Convention Centre, resulting in increased usage of cooling and/or heating systems
- R ▶ acquisition of additional properties for civic use (e.g. St. Mark's Church), resulting in increased operating costs e.g. repairs and maintenance and utilities
- R ▶ workers' compensation claims (C.U.P. staff only)
- R ▶ significant unexpected building and/or equipment failures
- T ▶ all other things being equal (i.e. excluding new facilities or renovations to existing ones), energy consumption is on a downward trend as a result of energy management initiatives
- T ▶ replacement of permanent vacancies within caretaking/cleaning function with contract services, wherever it is practical and cost effective to do so and not in violation of any union contract
- T ▶ increased capital funding levels for maintenance work will enable staff to focus more on proactive versus reactive maintenance and thereby, better utilize City resources

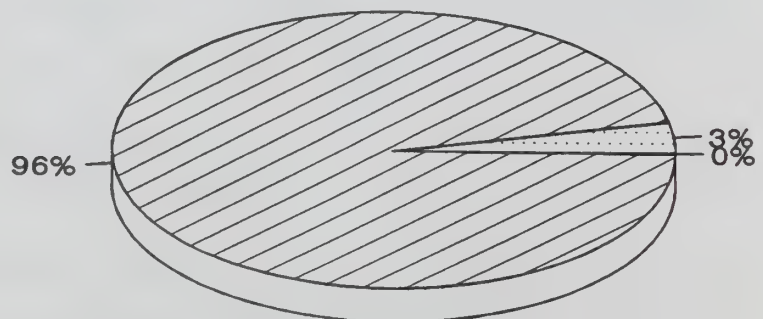
TABLE 5 - Summary of Revenues by Division

The following chart and corresponding table represents a summary of revenues by Department division.

1994 Revenue By Division



1995 Revenue By Division



Administration
 Building Op. & Mtnc.
 Real Estate

Property Department Division	1994 Revenues	1994 % Total	1995 Revenues	1995 % Total	% Change 95/94	Notes
Administration	25,480	3.1	25,420	3.5	0.2-	[1]
Architectural						[2]
Bldg. Op. & Mtnce.	791,110	95.9	702,320	96.4	11.2-	[3]
Real Estate	8,000	1.0	1,000	0.1	87.5-	[4]
Total	824,590	100.0	728,740	100.0	11.6-	

- Notes** [1] Projected change insignificant.
- [2] No revenues associated with this Division.
- [3] Decrease driven by the restructuring of the Regional Planning Department and the resultant loss of rent revenue.
- [4] Decrease due to the elimination of the Division's involvement in the administration of by-law no. 84-35 (commonly referred to as the "Dirty Backyard By-law"), effective June 1, 1994.

Assumptions (A), Risks (R), Trends (T) - Revenues

- A** ▶ rental status of City Hall and other civic buildings/properties will remain unchanged throughout the year, unless known otherwise
- R** ▶ tenancies of paying tenants within City Hall and other civic buildings/properties will be terminated earlier than expected, resulting in lost revenue
- T** ▶ rental revenue base has been declining over the past several years as vacancies are filled with non paying tenants, or buildings/properties are either demolished or sold for other uses

Typical Service Levels

- ▶ Refer to page 1 of this document.

Impact of Capital Budget on Current Budget

None of the capital projects approved prior to 1995 (direct impact) or of those proposed and approved for 1995 (indirect impact) are expected to have operating cost implications for the Department in 1995.

Departmental Plans and Initiatives

- ▶ A review of divisional administrative units. The purpose of the review would be to assess the effectiveness/efficiency of the units and consider the pros/cons of a centralized administration function.
- ▶ To install both existing and new PC users to the corporate computer network, in accordance with the Department's network implementation plan. This is expected to increase productivity through improved information flow and availability as well as reduce long term software costs.
- ▶ The Real Estate Division will have access to the Metropolitan Hamilton Real Estate Board's information system, effective September 1, 1995. Access to the Board's system will significantly enhance the availability and timeliness of information as well as reduce information storage requirements.
- ▶ The Real Estate Division will work with the PARCIL group to ensure it's information requirements are communicated and reflected within the system. This will provide the Division with an automated means of analyzing the City's real property assets.
- ▶ The Architectural Division will further consider the feasibility of establishing basic in-house design capabilities for office lay-outs and capital projects.

- ▶ The Building Operations & Maintenance Division is in the process of implementing a computerized maintenance management system (CMMS).

The CMMS will significantly facilitate the recording, tracking and storage of job information. This will provide more accessible and timely information for management decision making.

Utilizing the CMMS is expected to reduce overall maintenance costs by: increasing equipment life, reducing breakdown time, improving inventory management, increasing workforce productivity, improving historical data retrieval.

- ▶ The Building Operations & Maintenance Division will continue to make efforts to replace permanent vacancies within our caretaking/cleaning function with contract services, where it is deemed cost effective to do so and not in violation with any union contract.
- ▶ Trigenation Project: Once operational, the Central Utilities Plant will no longer simply be distributing electricity provided by Hamilton Hydro but, instead the C.U.P. will actually be producing, through co-generation, approximately 70% of the hydro it currently distributes.

As the responsibility for electricity production will rest primarily with the C.U.P. staff, it will need to more closely monitor operations with special attention to the co-generation equipment. Staff will be trained over the next 12 to 24 months in order that they may effectively execute their new responsibilities.

HUMAN RESOURCES CENTRE

Purpose

The Human Resources Centre, serving both the City and the Region, provides consultancy services on human resources management to both Councils and line and staff departments in the areas of labour relations, performance management, attendance management, corporate health, training and development, wage and salary administration, employment equity, health and safety and recruitment.

Activities include the provision of source documentation for the production of payroll and provision of employee benefits and WCB incident reporting and monitoring; investigation and resolution services for alleged Human Rights and Personal Harassment Policy violations; administration of pay equity, job evaluation, employment equity, employee assistance programmes, recruitment, complement control, short term and long term disability claims; corporate health and work accommodation; grievance and arbitration support; custodial responsibility for employee personnel files.

Department Mission Statement:

"The achievement of exemplary HR management practices in the delivery of local government services."

Organization Structure

The Human Resources Centre is organized into four functional divisions with employee complement as follows (please refer to the attached organization chart).

The Administration Division (department head)

►ensures all programs operate efficiently and effectively and within the guidelines set by Council policy and appropriate legislation. Responsible for advising on and the development of policies and programs relating to personnel management; HR budget preparation and administration; general office administration; administer employee recognition programmes for the Corporation of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth. Provides information to Councils and Committees of Councils.

The Employee Services Division

►manages employee services administration, recruiting, payroll and benefits, training and development, wage and salary administration, job evaluation, employment equity, Freedom of Information as it applies to Human Resources information, and reception functions.

The Labour Relations Division

►manages labour relations administration, performance management, health and safety, Corporate Health Services, Workers' Compensation and time and attendance.

The Transit Division

►Manager of Human Resources for the Hamilton Street Railway is included in the Human Resources budget. This position is fully recovered from the HSR and does not impact on the City of Hamilton.

TABLE 1 - Summary of Organizational Structure

Human Resources Centre Division	1994 Employees (FTE's)		1994 %FTE in each Division	1995 Employees (FTE's)		1995 %FTE in each Division	Change in FTE's
	FT	PT		FT	PT		
Administration	3		6.8%	3		7.3%	0
Employee Services	24		54.5%	21		51.2%	(3)
Labour Relations	15	1	36.4%	15	1	39.1%	0
Transit	1		2.3%	1		2.4%	0
Total	43	1	100%	40	1	100%	(3)

TABLE 2 - Summary of Expenses/Revenues

Human Resources Centre	1994	1995	% Change 95/94	Notes
Expenses	\$4,234,280	\$4,023,650	4.97%-	
Regional Revenue/Levy	\$2,213,300	\$2,123,160	4.07%-	
Net CITY Total	\$2,020,980	\$1,900,490	5.96%-	

Notes

[1]

[2]

TABLE 3 - Summary of Expenses by Object of Expenditure

Department by Object of Expenditure	1994	% 1994 Total	1995	% 1995 Total	% Change 95/94	Notes
Salaries/Wages/Benefits	\$2,504,530	59.1%	\$2,418,890	60.1%	1.0% +	
Materials & Supplies	\$167,490	3.9%	\$150,890	3.7%	0.2%-	
Purchased/Contracted	\$1,516,670	35.8%	\$1,408,280	35.0%	0.8%-	
Vehicle/Equipment	\$45,590	1.1%	\$45,590	1.1%	0.0%	
Total	\$4,234,280	100%	\$4,023,650	100%	4.9%-	

Note [1]

TABLE 4 - Summary of Expenses by Department Division

Human Resources Centre Division	SubGroup/ Division	1994 Expenses	1994 % each Division	1995 Expenses	1995 % each Division	% Change 95/94	Notes
Administration		\$386,140	9.1%	\$356,230	8.8%	0.3%-	
Employee Services	Administration	\$1,527,900	36.1%	\$1,481,930	36.8%	0.7% +	
	Recruiting	\$290,690	6.9%	\$190,880	4.7%	2.2%-	
	Payroll & Benefits	\$354,750	8.4%	\$343,010	8.5%	0.1% +	
	Clerical Pool- Region	\$7,000	0.2%	\$7,000	0.2%	0.0%	
	Training & Development	\$113,080	2.7%	\$105,400	2.6%	0.1%-	
	Job Evaluation	\$169,680	4.0%	\$169,760	4.2%	0.2% +	
	Employment Equity	\$107,850	2.5%	\$107,770	2.7%	0.2% +	
Labour Relations	Administration	\$377,530	8.9%	\$407,080	10.1%	1.2% +	
	Safety	\$203,000	4.8%	\$200,520	5.0%	0.2% +	
	Corporate Health	\$358,380	8.5%	\$339,270	8.4%	0.1%-	
	Workers' Compensation	\$110,840	2.6%	\$110,840	2.7%	0.1% +	
	Time & Attendance	\$146,070	3.4%	\$146,000	3.6%	0.2% +	
Transit	Mgr.-HR	\$81,370	1.9%	\$57,960	1.4%	0.5%-	
Total		\$4,234,280	100.0%	\$4,023,650	100.0%	4.9%	

Notes

[1]

[2]

Assumptions, Risks, Trends - Expenses

► Expenditures for Employee Assistance Program funding have been reduced in 1995, anticipated to be offset either through employee contributions from a shared program or by reducing the program level and costs.

►

►

TABLE 5 - Summary of TOTAL Revenues by Division

Human Resources Centre Division	SubGroup/ Division	1994 Revenues	%	1995 Revenues	%	% Change	Notes
Administration		\$145,070	5.2%	\$144,120	5.3%	0.1%+	
Employee Services	Administration	\$1,014,100	36.2%	\$1,046,040	38.3%	2.1%+	
	Recruiting	\$177,310	6.3%	\$129,180	4.7%	1.6%-	
	Payroll & Benefits	\$267,280	9.5%	\$226,180	8.3%	1.2%-	
	Clerical Pool-Region	\$200	.007%	\$7,000	.25%	.243%+	
	Clerical Pool-City	\$8,000	0.3%	\$8,000	.29%	0.1%-	
	Training & Development	\$113,080	4.0%	\$105,400	3.8%	0.2%-	
	Job Evaluation	\$84,840	3.0%	\$84,880	3.1%	0.1%+	
	Employment Equity	\$99,320	3.5%	\$93,840	3.4%	0.1%-	
Labour Relations	Administration	\$251,500	9.0%	\$269,090	9.8%	0.8%+	
	Safety	\$144,660	5.2%	\$143,420	5.2%	0.0%	
	Corporate Health	\$232,690	8.3%	\$230,970	8.4%	0.1%+	
	Workers' Compensation	\$110,840	3.9%	\$110,840	4.0%	0.1%+	
	Time and Attendance	\$73,040	2.6%	\$73,000	2.7%	0.1%+	
Transit	Manager-HR	\$81,370	2.9%	\$57,960	2.1%	0.8%-	
Totals		\$2,803,300	100.0%	\$2,729,920	100.0%	2.6%-	

Notes

[1] As the City of Hamilton's portion of the Human Resources Centre budget is included in the total revenues in the above table, the following Table 6 shows the City's 1994 budget allocation of \$2,020,980 and 1995 budget allocation of \$1,900,490 broken down by department/division.

TABLE 6 - Summary of CITY BUDGET by Department Division

Human Resources Centre Division	SubGroup/ Division	1994 Revenues	%	1995 Revenues	%	% Change	Notes
Administration		\$145,070	7.2%	\$144,120	7.6%	0.4%+	
Employee Services	Administration	\$764,430	37.8%	\$688,890	36.2%	1.6%-	
	Recruiting	\$148,850	7.4%	\$103,940	5.5%	1.9%-	
	Payroll & Benefits	\$217,710	10.8%	\$182,010	9.6%	1.2%-	
	Clerical Pool-Region	N/A		N/A			
	Clerical Pool-City	\$8,000	.4%	\$8,000	.4%	0.0%	
	Training & Development	\$31,540	1.6%	\$27,700	1.4%	0.2%-	
	Job Evaluation	\$84,840	4.2%	\$84,880	4.5%	0.3%+	
	Employment Equity	\$53,930	2.7%	\$53,890	2.8%	0.1%+	
Labour Relations	Administration	\$188,770	9.3%	\$228,540	12.0%	2.7%+	
	Safety	\$101,500	5.0%	\$100,260	5.3%	0.3%+	
	Corporate Health	\$147,880	7.3%	\$149,840	7.9%	0.6%+	
	Workers' Compensation	\$55,420	2.7%	\$55,420	2.9%	0.2%+	
	Time and Attendance	\$73,040	3.6%	\$73,000	3.8%	0.2%+	
Transit	Manager-HR	N/A		N/A			
Totals		\$2,020,980	100.0%	\$1,900,490	100.0%	6.0%-	

Assumptions, Risks, Trends - Revenues

- ▶
- ▶
- ▶

Typical Service Levels

- ▶
- ▶
- ▶
- ▶
- ▶
- ▶

Impact of Capital Budget on Current Budget

The HRIS Capital Budget expenditure forecast is that there will be no impact on the 1995 current budget.

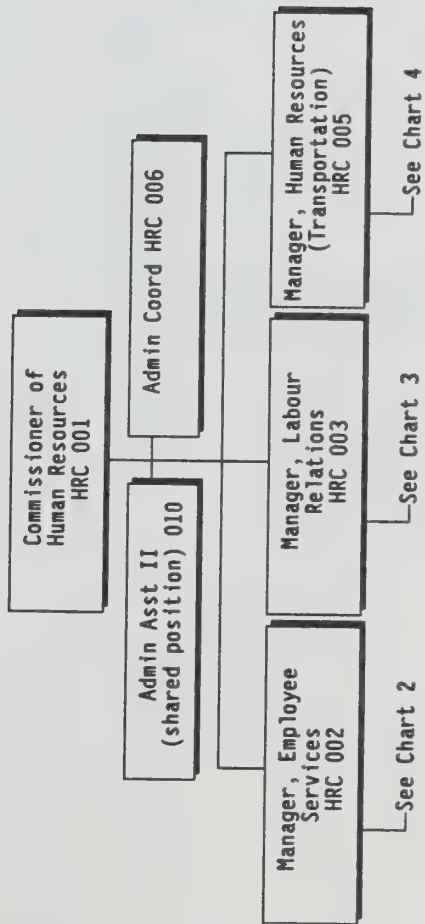
Departmental Plans and Initiatives

- Selection and installation of a Human Resources Information System
- Prepare for post-Social Contract era
- Complete the corporate training needs analysis to ensure training and development programmes are consistent with the goals and objectives of the Corporation
- continue to explore and develop strategies to improve customer service with fewer resources

HUMAN RESOURCES CENTRE

Original Retained in
Human Resources Centre

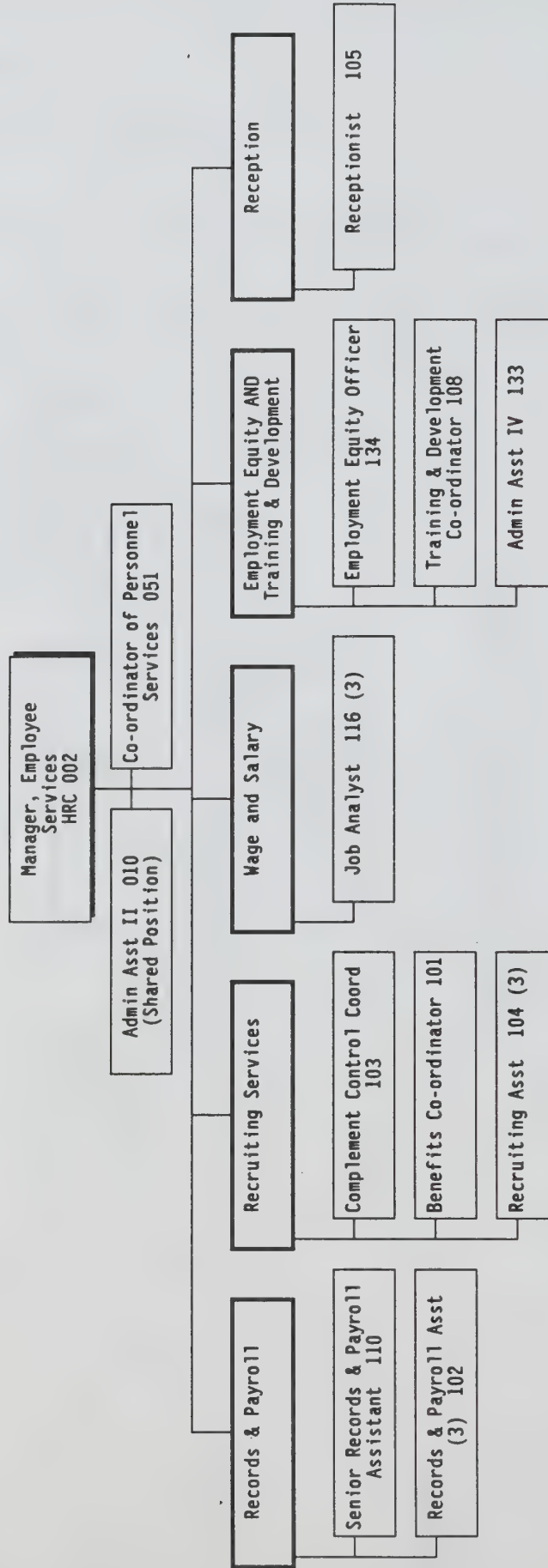
Chart 1 of 4



Signature _____ Date _____

August 16, 1995

HUMAN RESOURCES CENTRE



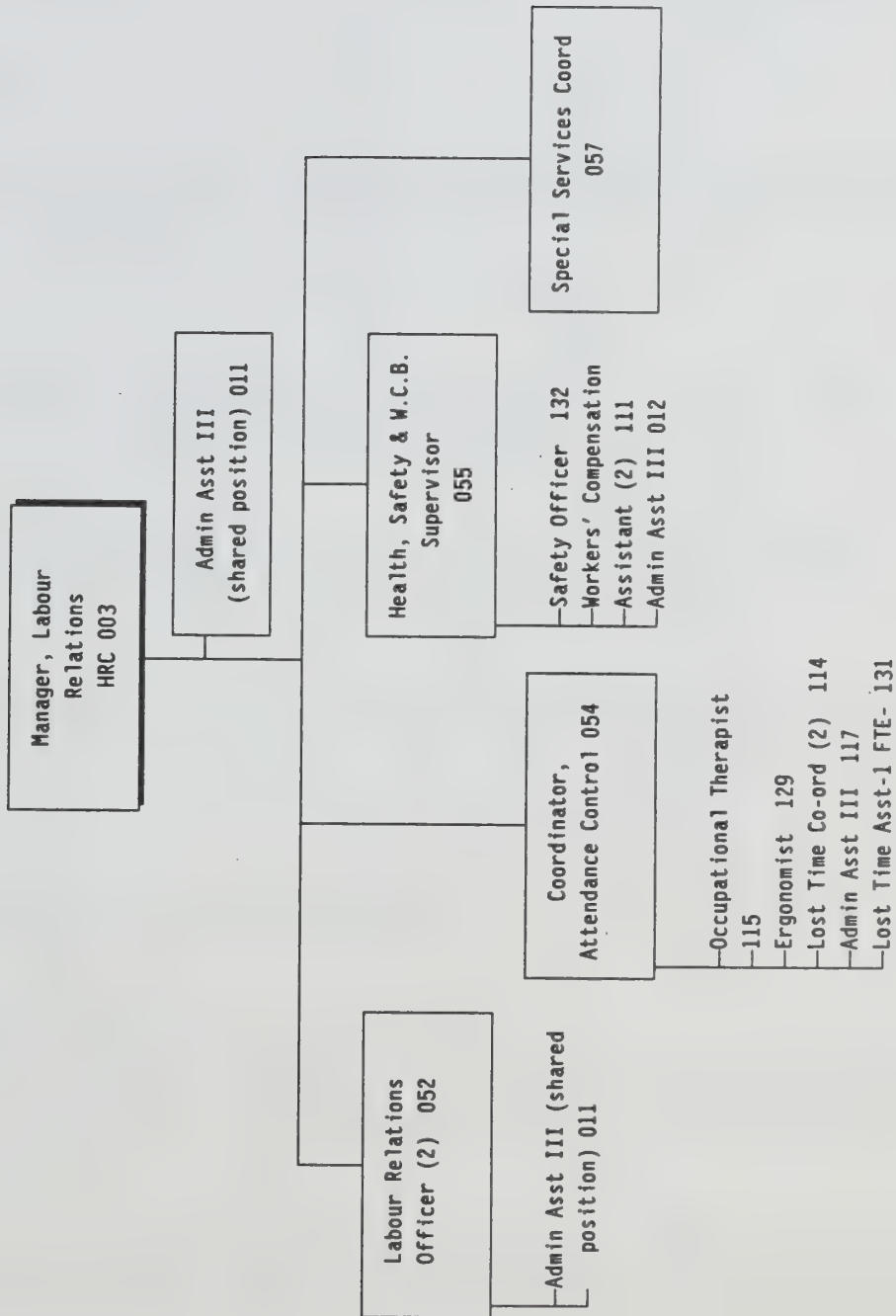
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HUMAN RESOURCES CENTRE

Original Retained in
Human Resources Centre

Chart 3 of 4

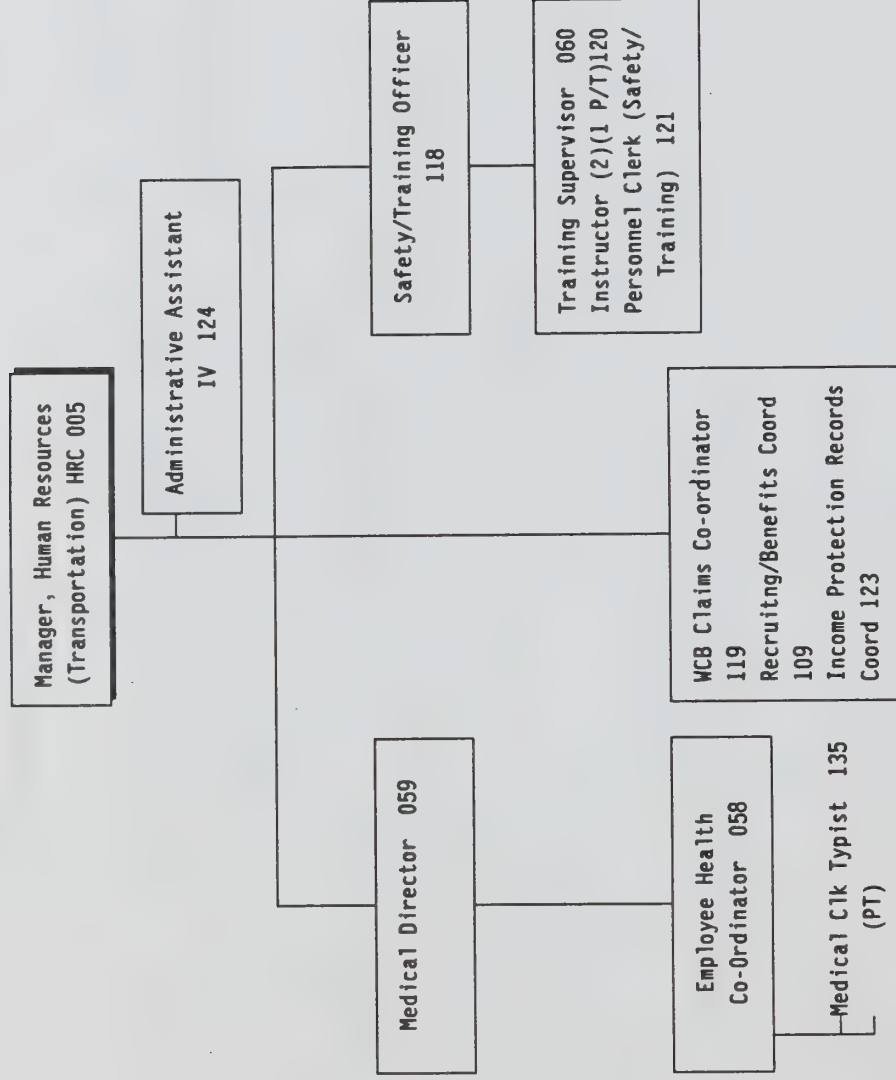


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August 17, 1995

HUMAN RESOURCES CENTRE



August 17, 1995

Signature _____ Date _____

INFORMATION SYSTEMS DEPARTMENT

Purpose

The Information Systems Department provides Information Technology services to the City of Hamilton and the Region of Hamilton-Wentworth.

Information Systems Mission Statement:

"To assist the Corporations' departments and agencies in managing and continuously improving their business processes and in the cost-effective use of information technology in the provision of customer service excellence."

Organization Structure

The Information Systems Department is organized into five functional divisions with employee complement as follows (please refer to the attached organization chart).

The Business Application Systems Division

- ▶ manages the development and maintenance of corporate and department business systems applications used by the City of Hamilton and the Region.

The Operations Division

- ▶ manages the scheduling and execution of all mainframe-based applications for both on-line and batch processing environments, including the printing, coaxial network and corporate microfilming functions.

The Support Services Division

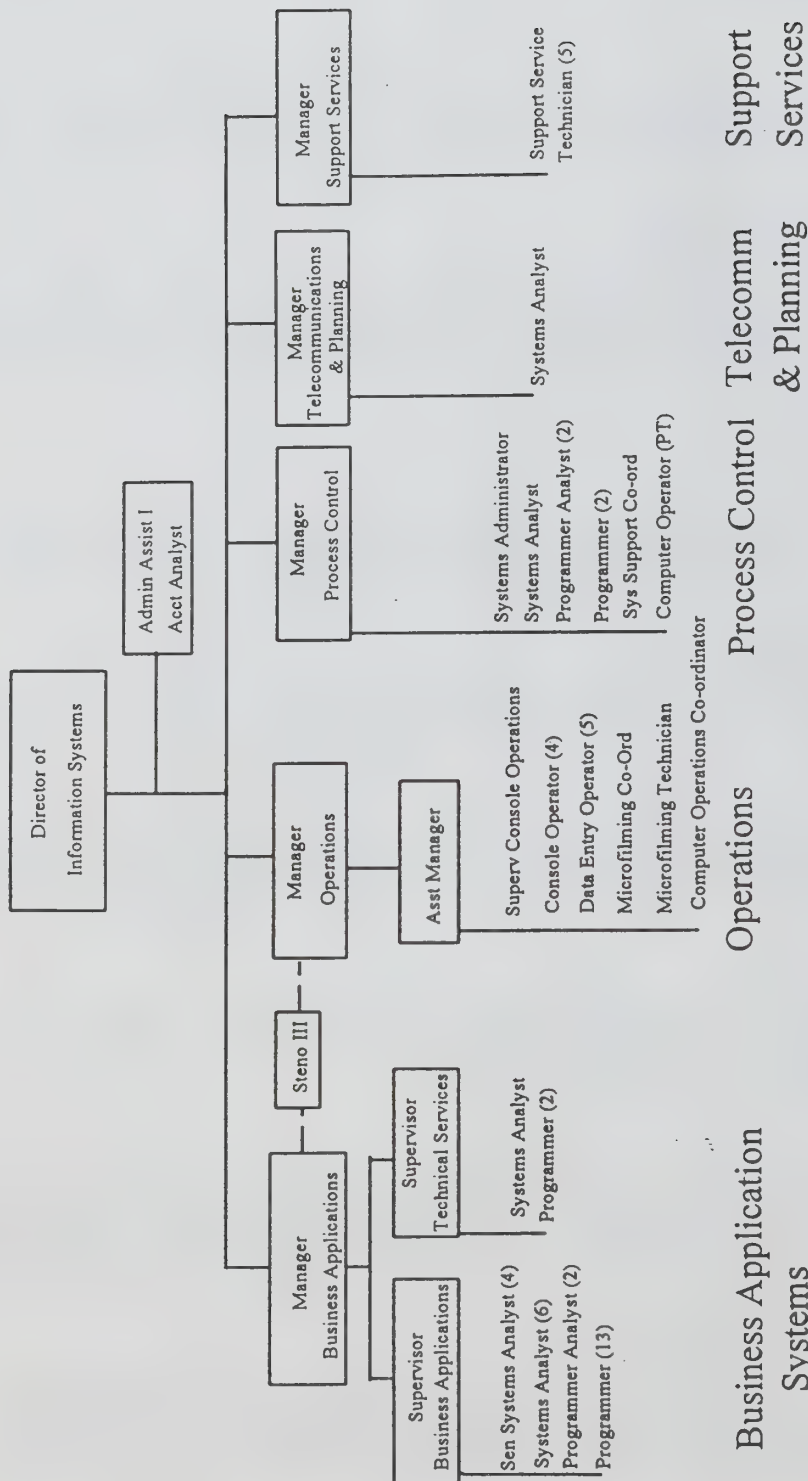
- ▶ provides for the acquisition, installation, training and support for the 1,000 PC workstations currently in service as well as operating the User Help line.

The Process Control Division

- ▶ manages all process control (transit, water and sewer infrastructure) computer applications; Transit business applications, and an increasing number of applications for other Departments. The Process Control Division also provides corporate network development and management functions.

The Telecommunications & Planning Function

- ▶ supports Telephone and Telecommunications operations, the implementation of the corporate network infrastructure, long range disaster recovery planning, and the coordination of voice and data communications for the City of Hamilton and Regional Departments and Boards.



Total (FTE) 66.5
 Line 57.5
 Staff 9
 Line/Staff Ratio 6.4 / 1

Information Systems 1994

TABLE 1 - Summary of Organizational Structure

The Information Systems Department has a current staff complement of 67 employees (region and City) including the 9 employees within the Region Hamilton Street Railway Corporation. There are two fewer employee positions in 1995 than 1994.

Information Systems Department Division	1994 Employees (FTE's)		1994 % FTE in each Division	1995 Employees (FTE's)		1995 % FTE in each Division	Change
	FT	PT		FT	PT		
Administration/Planning	4	0	6.1	4	0	6.2	0.1
Business Applications	31	0	47.0	30	0	46.2	-0.8
Operations	15	0	22.7	15	0	23.1	0.3
Process Control	8	0.5	12.1	8	0.5	12.3	0.2
Telecom and Planning	2	0	3.0	2	0	3.1	0.0
Support Services	6	0	9.1	6	0	9.2	0.1
Total	66	0.5	100	65	0.5	100	

Assumptions/Trends/Risks -- Organizational Structure

1. Trend toward increased use of PC workstations for productivity is expected to impact the support resources available.
2. Trend towards packaged software, smaller computing platforms, and end user reporting software may begin to reduce support resources required for the existing environments.
3. Risk that mix of staff skills required may not closely match changed requirements.

TABLE 2 - Summary of Expenses/Revenues

Department expenses are expected to increase by \$54,970 (0.8%) and revenues are expected to decrease by \$7,450 (0.2 %) in 1995.

Information Systems Department	1994	1995	% Change 95/94	Notes
Expenses	7,045,240	7,015,780	-0.4	
Revenues	3,149,210	3,098,760	-1.6	[1]
Net Expenses	3,896,030	3,917,020	0.5	[2]

Notes [1] Revenue line does not include the PC workstation revenues from the Region.

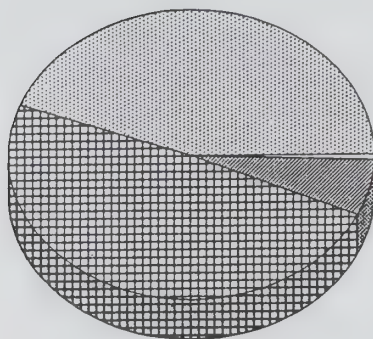
[2] 1994 Base does not include base adjustments as the result of the transfer of the Planning Department to the City.

TABLE 3 - Summary of Expenses by Object of Expenditure

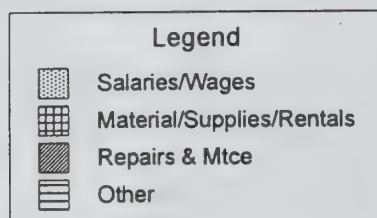
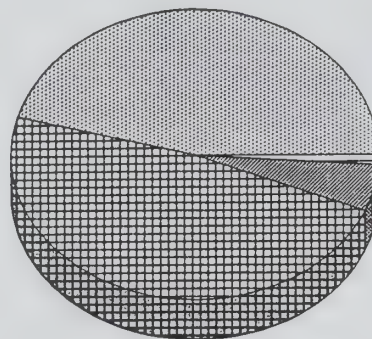
The following table represents the expenditures of the department by Object of Expenditure this "view" of expenditures helps indicates the allocation of resources by type (e.g. staff vs equipment and supplies).

Expenses by Object

1994



1995



Information Systems by Object of Expenditure	1994	1995	% Change 95/94	Notes
Salaries/Wages/Benefits	3,101,050	3,212,120	3.6	
Materials & Supplies & Equipment Rentals	3,475,280	3,367,410	-3.1	
Repairs & Maintenance	433,840	373,180	-14.0	
Other	35,070	63,070	79.0	
Total	7,045,240	7,015,780	-0.4	[1]

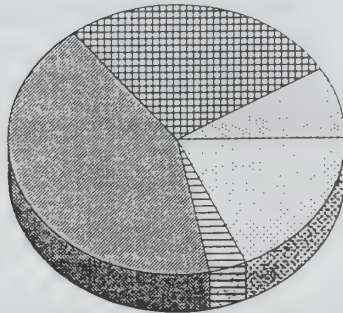
Note [1] Represents the gross amount before revenues from the Region and others.
Revenues \$3,461,320 (1994) \$3,532,010 (1995)

TABLE 4 - Summary of Expenses by Department Division

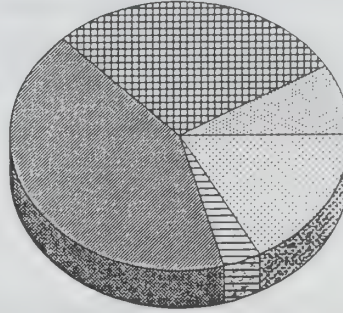
The following represents a summary of expenses by Department division to indicate the amount of resources associated with each division of the Department and the corresponding services provided within that division.

Expenses by Division

1994



1995



Legend

- Administration
- Business Appl.
- Operations
- Telecommunications
- PC Services

Information Systems Dept Division	SubGroup/ Division	1994 Expenses	1994 % Total	1995 Expenses	1995 % Total	% Change 95/94	Notes
Administration	Admin/Planning	617,980	8.8	617,440	8.8	-0.1	
Business Appl.	Systems Analysis	888,690	12.6	890,030	12.7	0.2	
	Programming	941,920	13.4	1,072,180	15.3	13.8	
	Contracted Services	26,500	0.4	15,000	0.2	-43.4	
Operations	Central Processing	1,383,870	19.6	1,387,150	19.8	0.2	
	Disk & Tape Services	530,000	7.5	347,250	4.9	-34.5	
	Host Print (laser)	n/a	0.0	119,580	1.7	n/a	
	Host Print (matrix)	161,720	2.3	97,830	1.4	-39.5	
	User Software	262,790	3.7	289,910	4.1	10.3	
	Network Communications	257,050	3.6	342,490	4.9	33.2	
	Data Entry	203,020	2.9	202,080	2.9	-0.5	
	Image Processing	188,500	2.7	189,130	2.7	0.3	
Telecommunications	City Phones	248,000	3.5	248,000	3.5	0.0	
Support Services	PC and Network Support	392,250	5.6	423,880	6.0	8.1	
	Workstations	942,950	13.4	773,830	11.0	-17.9	
Total		7,045,240	100.0	7,015,780	100.0	0.8	

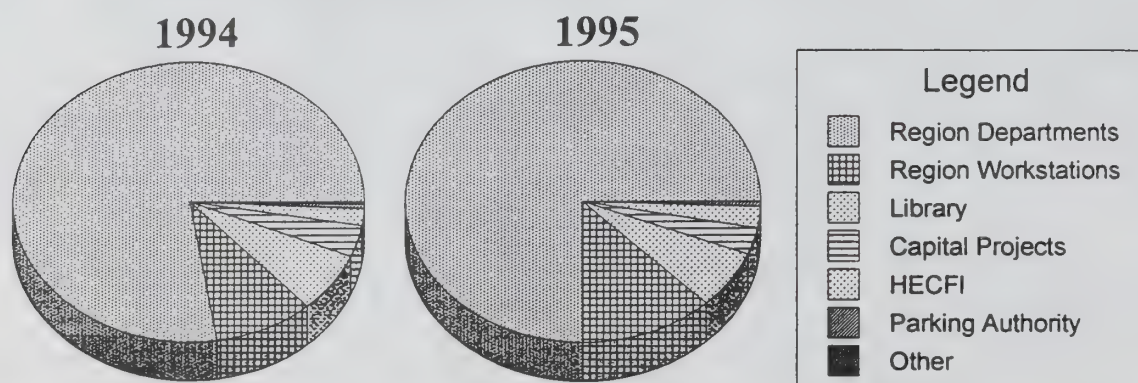
Assumptions, Trends, Risks - Expenses

1. Assumed that some of the large computer applications (e.g. Social Services, Finance) will continue on the mainframe environment until the late 90's.
2. Assumed that the work to prepare systems that require modifications for the year 2000 (millennium condition) can be modified using current staff.
3. Trend towards utilization of packaged software on non-proprietary computer systems and networks.
4. Trend towards end user reporting and analysis software tools.
5. Risk that migration from current computing environment to the future environment may occur faster than expected thereby increasing costs in the short term.
6. Risk that lack of PC workstation support could result in uncoordinated PC software environment in the future.

TABLE 5 - Summary of Revenues by Source

The following represents a summary of revenues by division and type of service to indicate the amount of revenues derived from each type of service.

Revenues by Source



Information Systems Division	1994 Revenues	1994 % Total	1995 Revenues	1995 % Total	% Change 95/94	Notes
Region Departments	2,697,270	77.9	2,656,250	75.1	-1.5	
Region Workstations	312,110	9.0	433,250	12.3	38.8	
Library	234,060	6.8	234,060	6.6	0.0	
Capital Projects	125,230	3.6	108,000	3.1	-13.8	
HECFI	64,780	1.9	83,460	2.4	28.8	
Parking Authority	19,150	0.6	16,990	0.5	-11.3	
Other	8,720	0.3	0	0	-100.0	
TOTALS	3,461,320	100.0	3,532,010	100.0	2.0	[1]

Notes

- [1] 1994 - \$3,419,210 plus \$312,110 for Region PC Workstations Lease/Maintenance
 1995 - \$3,098,760 plus \$433,250 for Region PC Workstations Lease/Maintenance

Assumptions, Trends, Risks - Revenues

1. Assumed that Social Services and Financial systems will continue to operate in the mainframe environment until late 1990's.
2. Trend towards "groupware" computing will increase use of network resources and associated revenues.
3. The expected loss of revenue from the Library in 1996 may temporarily increase the unit costs to other users.
4. Risk of revenue losses should the Region or City temporarily reduced development or maintenance activities.
5. Risk of revenue losses if staff retraining does not occur and match user support needs.

Typical Service Levels

- ▶ 3 hour resolution of any payroll processing problem
- ▶ 6 hour resolution of any other production system problem
- ▶ 80% of Support calls resolved within 10 minutes
- ▶ 1st level repair of PC workstation within 3 hours
- ▶ 2nd level repair of PC workstation within 6 hours

Impact of Capital Budget on Current Budget

There are currently no capital budget expenditures forecast that will have a net impact on the current budget.

Departmental Plans and Initiatives

1. Complete Corporate Network Infrastructure as funding permits
2. Department Reorganization Plan
3. Refocus resources and staff skills to "open systems" and other emerging computer technologies will be required to service user department needs in the future.
4. Ongoing Continuous Improvement Projects

Current Budget Overview

CITY CLERK'S DEPARTMENT

Purpose

The City Clerk's Department provides services and assistance to City Council, its Committees and the general public and performs all functions required of the City Clerk by various Provincial Statutes.

The City Clerk's Department administers the issuance and enforcement of Municipal Business and Lottery Licences, coordinates the management and operation of the Hamilton Farmer's Market and provides Information Desk and Dispatch services. The department also performs the functions of Deputy Division Registrar with respect to the registration of births and deaths within the City. The administration of City Council support staff and the coordination of municipal electors are also City Clerk's Department responsibilities.

Organization Structure

The City Clerk's Department is organized into three Divisions who are responsible for the following functions:

The Administrative Division

Retains responsibility for a number of diverse functions including the management of the Hamilton Farmer's Market and the Print and Mail Services Section of the department. The Administrative Division also coordinates activities under the Municipal Elections Act, Records Management functions, operation of the City Hall Switchboard and Dispatchers as well as the management of departmental personnel and departmental budgeting.

The Legislative Division

Provides secretarial services to City Council, Standing Committees, Sub-Committees and Special Purpose Committees.

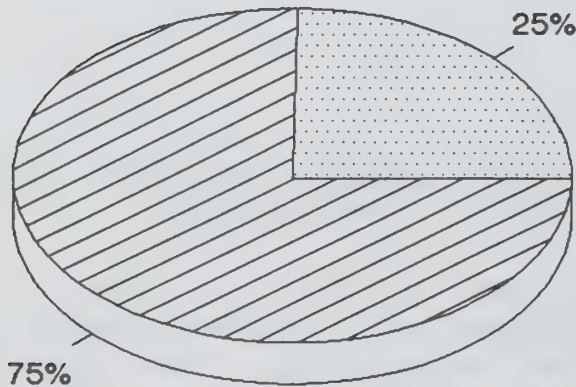
The Licensing Division

Administers the issuance and enforcement of Municipal Business and Lottery Licences as well as the enforcement of the City's No-Smoking By-law. The Licensing Division also retains responsibility for the issuance of Marriage Licences.

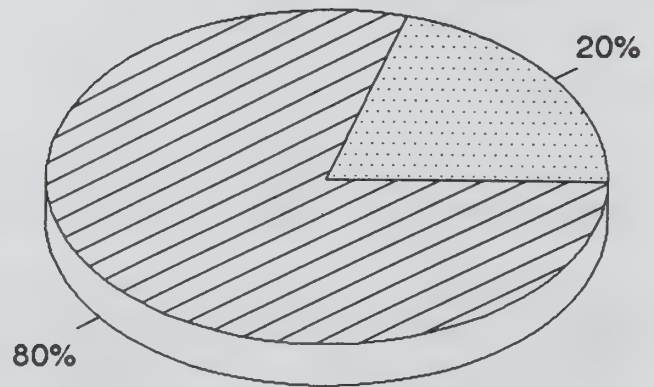
Summary of Revenues by Department Division

The following chart and corresponding table represents a summary of revenues by division and type of service to indicate the amount of revenues derived from each type of service.

1994 Revenue By Division



1995 Revenue By Division



 Administrative-Market
  Licensing

City Clerk's Department	SubGroup/ Division	1994 Revenues	%	1995 Revenues	%	% Change	Notes
Administrative	Market	472,930	24.8	472,930	20.5	0	
Licensing		1,431,000	75.2	1,837,410	79.5	28.4	
Totals		1,903,930	100.0	2,310,340	100.0	21.3	

Assumptions, Risks, Trends - Revenues

The re-organization plan being developed to streamline the department's functions will emphasize improvements in the Licence Division to combat a rapid increase in activity.

Technological improvements are also planned for the Print and Mail Section which will result in significant savings.

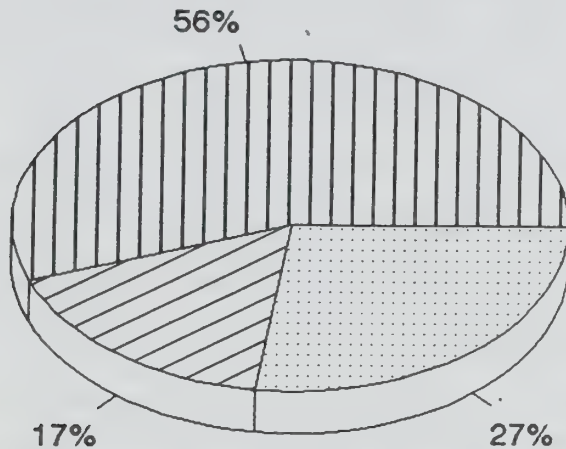
Impact of Capital Budget on Current Budget

At present there are no Capital Budget Projects with Current Budget impacts.

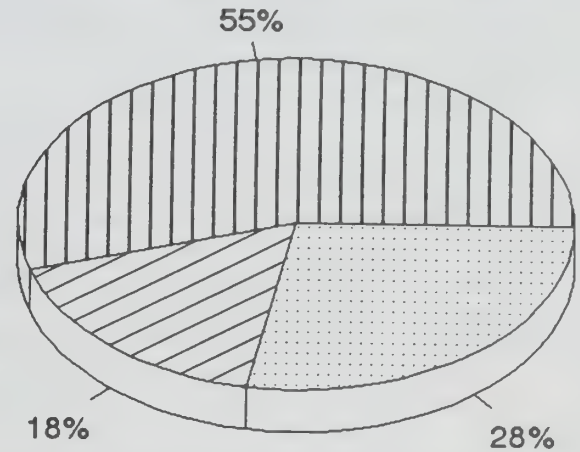
Summary of Expenses by Department Division

The following chart and corresponding table represents a summary of expenses by Department division indicate the amount of resources associated with each division of the Department and the corresponding service provided within that division.

1994 Expenses By Division



1995 Expenses By Division



☐ Administrative
 ☐ Legislative
 ☐ Licensing

City Clerk's Dept Division	SubGroup/ Division	1994 Expenses	% Total	1995 Expenses	% Total	% Change	Notes
Administrative	Administration	671,950	23.2	680,020	23.5	1.2	
	Information Desk	123,790	4.3	125,950	4.3	1.7	
	Print & Mail	562,710	19.4	517,260	17.9	(8.1)	
	Market	255,660	8.8	263,630	9.1	3.1	
	Sub-total	1,614,110	55.7	1,586,860	54.8	(1.7)	
Legislative		498,530	17.2	506,730	17.5	1.6	
Licensing		782,780	27.1	801,830	27.7	2.4	
Total		2,895,420	100.0	2,895,420	100.0	0	

TABLE 1 - Summary of Organizational Structure

The City Clerk's Department has a current staff compliment of 54 employees. There is one less position budgeted for in 1995 than in 1994. (Exclusive of City Council support staff)

City Clerk's Department Division	1994 Employees (FTE's)		% Total	1995 Employees (FTE's)		% Total	Change
	FT	PT		FT	PT		
Administrative	27	2	52.73	27	2	53.70	.97
Legislative	11	-	20.00	10	-	18.51	-1.49
Licensing	15	-	27.27	15	-	27.79	.52
Total	53	2	100	52	2	100	

Assumptions/Trends/Risks -- Organizational Structure

A re-organization plan is being developed that will result in an increased staff compliment in the Licensing Division to handle increased lottery activity and an expected increase in annual revenues of approximately \$390,000. This staffing increase within the Licensing Division will in part be offset by reductions within other areas of the department.

TABLE 2 - Summary of Expenses/Revenues

City Clerk's Department	1994	1995	% Change 95/94
Gross Expenditures	\$3,107,540	\$3,137,450	1.0
Less: Recoveries	(\$212,120)	(\$242,030)	14.1
Net Expenses	\$2,895,420	\$2,895,420	0
Revenues	\$1,903,930	\$2,310,340	21.3
Net Total	\$991,490	\$585,080	(59.0)

Notes

- [1] The introduction of new Provincial Lottery Legislation has resulted in a significant increase in lottery activity and will account for a large share of our 1995 21.3% revenue increase.

URBAN/MUNICIPAL
CAY ON HBL AOS
A31
1995



The Urban/Municipal Collection
2nd Floor
Hamilton Public Library
+ Bill

MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON

Tuesday, 1995 October 10
7:30 o'clock p.m.
Council Chambers, City Hall

OCT 9 1995

GOVERNMENT DOCUMENTS

J. J. Schatz
City Clerk

A G E N D A

1. National Anthem.

2. Opening Prayer Archdeacon Ken Patterson
St. Michael's Anglican Church

3. Presentations:

(A) CERTIFICATE OF RECOGNITION
THE SHERATON HAMILTON HOTEL

Jim Awad
General Manager

(B) CERTIFICATES OF RECOGNITION

CITY COMMITTEES/BOARDS/COMMISSIONS

Angie Armstrong
Mayor's Committee Against
Racism & Discrimination

William Kosar
Hamilton Farmers' Market
Sub-Committee

May Toth
Hamilton Farmers' Market
Sub-Committee

Wayne Marston
Business Land Use Advisory Board

Gina Monaco
Hamilton Status of Women
Sub-Committee

Evelyn Myrie
Hamilton Status of Women
Sub-Committee

Elsie Paget
Hamilton Status of Women
Sub-Committee

Sandy Shaw
Hamilton Status of Women
Sub-Committee

Agnes Samson
Hamilton Status of Women
Sub-Committee

Ernest Seager
New Mum Show Sub-Committee

(C) FIRST PLACE HAMILTON

Ralph Pawson, Chairperson
Board of Directors

4. Declaration of Office - Fire Chief - G. Smith
5. Adoption of the minutes of the meeting held 1995 September 26
6. Correspondence\Petitions
7. Reports of the Standing Committees:
 - (a) Transport and Environment Committee
 - (b) Parks and Recreation Committee (to follow)
 - (c) Planning and Development Committee
 - (d) Finance and Administration Committee
8. Notices of Motion for next meeting.
9. Question Period.
10. Adjournment.

MINUTES

Minutes of Hamilton City Council
Tuesday, 1995 September 26
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor Morrow.
Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Drury, Wilson, Copps,
Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross.

Mayor R. M. Morrow called the meeting to order.

* * * * *

The National Anthem was played.

* * * * *

Father Charlie Galea, St. Lukes Roman Catholic Church led Council in prayer.

<p>DECLARATION OF OFFICE</p>

The City Clerk read the following certificate of the results of the Municipal By-Election held on September 22, 1995:

I, J. J. SCHATZ, City Clerk and Returning Officer for the City of Hamilton, do hereby certify that on the 22nd day of September, 1995, Chad Collins was elected as Alderman and Regional Councillor for Ward 5 for the City of Hamilton.

Mayor Morrow congratulated Chad Collins on his election and administered the Declaration of Office and Oath of Allegiance.

Mayor Morrow introduced Alderman Collins to the other Members of City Council and escorted him to his chair.

PRESENTATIONS

Mayor Morrow made a presentation to Christine Hamilton of the "Geritol Follies" on the occasion of their 20th Anniversary.

* * * * *

Mayor Morrow presented a certificate to Shannon Glover for winning a gold medal for the Singles Champion National Level of the Four Steps to Stardom 5 Pin Bowling Championships in St. Johns, Newfoundland.

* * * * *

Mayor Morrow presented a certificate to Shannon Godlewski, Tara MacLeod, Amy Pye, Kimberly Webb and Carly Welch, for winning a gold medal for the Bantam Girls' Team, National Championships in St. Johns, Newfoundland.

* * * * *

A presentation was made by Vitek Wincza, Artistic Director, Dr. Eva Gede to the Mayor and Members of City Council on behalf of the Hamilton Ballet Youth Ensemble.

* * * * *

A Certificate of Recognition was presented to the following members who sat on City Committees/Boards:

- Michael Anderer - Taxi Advisory Committee
- Tyrone Childs - Advisory Committee on Equitable Representation on Committee/Boards and Commissions.
- Bill DeLisser, Mayor's Advisory Council Against Racism and Discrimination
- Irene Inglis, New Mum Show Sub-Committee
- Phil Leon, Mayor's Advisory Council Against Racism and Discrimination
- Glenn Mallory, Arts Advisory Sub-Committee
- Wayne Marston, Business Land Use Advisory Board
- Jeff Martin, Local Architectural Conservation Advisory Committee
- Santokh Pooni, Mayor's Committee Against Racism and Discrimination
- Robert Rankin, Local Architectural Conservation Advisory Committee
- Anna Sbrissa, Advisory Committee on Equitable Representation on Committees\Boards and Commissions
- Sandra Wilson, Advisory Committee on Equitable Representation on Committees\Boards and Commissions.

ADOPTION OF MINUTES

The minutes of the meetings held:

1995 August 29 (regular meeting), and
1995 September 19 (special meeting) were adopted as circulated.

CORRESPONDENCE

1. Letter dated 1995 September 5 from the Ukrainian Cultural Centre of Hamilton respecting the former public parking lot located at 36 Newlands Avenue, Hamilton, Ontario.

Referred to the Finance and Administration Committee

2. Application dated 1995 September 13 from Whatmough Management Inc., Hamilton, Ontario respecting a request for a modification to the established "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District for property located at No. 412 Aberdeen Avenue, Hamilton, Ontario.

Received.

3. Letter dated 1995 September 26 from Katharine Goldberg of the Association for Burlesque Entertainers respecting "Lap Dancing".

Received.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, the Licensing Committee, the Nominating Committee, and the Committee of the Whole be considered in Committee of the Whole with Alderman Ross in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

<p>TRANSPORT AND ENVIRONMENT COMMITTEE - ELEVENTH REPORT</p>

Section 11 Re: Removal of Tree from 20 Fairleigh Crescent

Recorded vote.

YEAS: Aldermen Agro, Copps. -2.

NAYS: Aldermen Kiss, Caplan, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, Ross. -13. **LOST.**

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Rule No. 9 Re: Funding Increase for Gore Park Walkway/King Street Reconstruction.

It was moved by Alderman Merling and seconded by Alderman Drury that Rule No. 9 of the City's Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to allow the introduction of a resolution respecting a funding allocation increase for the electrical component of the Gore Park Walkway/King Street Reconstruction. **CARRIED.**

* * * * *

Section 18 Re: Funding Increase for Gore Park Walkway/King Street Reconstruction.

It was moved by Alderman Merling and seconded by Alderman Drury that the Eleventh Report of the Transport and Environment Committee for 1995 be amended by adding the following as Section 18:

- "(a) That the funding allocation for the electrical component of the Gore Park Walkway/King Street Reconstruction be increased by \$68,165. plus G.S.T. to a total of \$129,665. plus G.S.T. for the additional work required for the electrical, duct replacement and wire to street lights including temporary feed if required; and,
- (b) That the additional funding required be financed as follows:
- (i) \$41,370. - Electrical and duct replacement in Gore Park Account No. CF5200 428803003 DHAP Phase IV; and,
 - (ii) \$26,795. - Replacement duct and wire to street lights Account No. CF5200 529542030 (Street Lighting)."

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: Alderman Drury. -1.

CARRIED.

<p>PARKS AND RECREATION COMMITTEE - SEVENTEENTH REPORT</p>

Section 2 Re: Alcohol in Parks - Press Box area - Ivor Wynne Stadium - McMaster University

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Merling, Anderson, D'Amico, Ross. -16.

NAYS: Alderman Jackson. -1.

CARRIED.

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Section 8 Re: Festitalia Soccer Tournament - Rental Fee

Recorded vote.

YEAS: Aldermen Kiss, Caplan, Agro, Drury, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -14.

NAYS: Alderman McCulloch. -1.

CARRIED.

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Section 12 Re: Four Multi-use Trail Components

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, Ross. -15.

NAYS: Alderman Copps. -1.

CARRIED.

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Section 13 Re: Extend the Rail Trail (Wentworth St. to Limeridge Rd)

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, Ross. -15.

NAYS: Alderman Copps. -1.

CARRIED.

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Section 14 Re: Red Hill Valley - Development of Trails

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, Ross. -15.

NAYS: Alderman Copps. -1.

CARRIED.

PLANNING AND DEVELOPMENT COMMITTEE - EIGHTEENTH REPORT

**Section 6 Re: Ontario Heritage Act - 66-68 King E (Victoria Hall & MacKay Building)
(Foster Building)**

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Eisenberger, Collins, Jackson, D'Amico. -12.

NAYS: Aldermen Wilson, Charters, Merling, Anderson, Ross. -5. **CARRIED.**

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Section 16 Re: Hamilton Rehabilitation Program Loan - 67 Firenze Street

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, Ross. -14.

NAYS: Alderman Copps. -1 **CARRIED.**

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Section 17 Re: Hamilton Rehabilitation Program Loan - 75 Firenze Street

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, Ross. -14.

NAYS: Alderman Copps. -1 **CARRIED.**

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Section 18 Re: Hamilton Rehabilitation Program Loan - 79 Firenze Street

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, Ross. -14.

NAYS: Alderman Copps. -1 **CARRIED.**

Section 19 Re: Hamilton Rehabilitation Program Loan - 83 Firenze Street

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, Ross. -14.

NAYS: Alderman Copps. -1

CARRIED.

* * * * *

Section 20 Re: Hamilton Rehabilitation Program Loan - 87 Firenze Street

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, Ross. -14.

NAYS: Alderman Copps. -1

CARRIED.

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Section 21 Re: Hamilton Rehabilitation Program Loan - 91 Firenze Street

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, Ross. -14.

NAYS: Alderman Copps. -1

CARRIED.

FINANCE & ADMINISTRATION COMMITTEE - TWENTY SECOND REPORT
--

Section 6 Re: Capital Projects - Line Department Heads

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: Alderman Caplan. -1.

CARRIED.

Section 7 Re: By-law 79-144 Re: Adult Entertainment Parlours Re: Lap Dancing

It was moved by Alderman Kiss and seconded by Alderman Copps that Section 7 of the Twenty Second Report of the Finance and Administration Committee for 1995 be amended by: adding section g) as follows:

"all services provided by the entertainer shall be provided within view of the main stage without obstruction by walls, curtains or any other enclosure."

Recorded vote.

YEAS: Aldermen Kiss, Agro, Copps. -3.

NAYS: Mayor Morrow, Aldermen Caplan, McCulloch, Drury, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -13. **LOST.**

FINANCE & ADMINISTRATION COMMITTEE - TWENTY THIRD REPORT

Section 1 Re: Ontario Court (General Division) Action No. 93-W-64448

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, Ross. -15.

NAYS: Alderman Merling. -1.

CARRIED.

CITY OF HAMILTON LICENSING COMMITTEE - THIRD REPORT

Section 1 Re: Viking Restaurant - 419 King Street East

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, Ross. -14.

NAYS: Aldermen Drury, Copps. -2

CARRIED.

NOMINATING COMMITTEE - SIXTH REPORT

COMMITTEE OF THE WHOLE - SEVENTH REPORT

Section 1 Re: Acquisition of the MacKay Building and Victoria Hall - 66-68 King E.

It was moved by Alderman Jackson and seconded by Alderman Eisenberger that Section 1 of the Seventh Report of the Committee of the Whole be tabled. **CARRIED.**

* * * * *

Section 2 Re: Restoration of MacKay Building and Victoria Hall - 66-68 King E.

It was moved by Alderman Merling and seconded by Alderman Anderson that the following be added as Section 2 of the Seventh Report of the Committee of the Whole for 1995:

- (a) That the Director of Property and the Commissioner of Building be directed to verify all facts and figures provided for the restoration of the Victoria Hall and the MacKay Building; and,
- (b) That an outside consultant provide a report for the architectural and engineering aspects of the Victoria Hall and the MacKay Building. **CARRIED.**

ACTING MAYOR FOR THE MONTH OF OCTOBER, 1995

It was moved by Alderman Kiss and seconded by Alderman Agro that Alderman V. Agro be appointed Acting Mayor for the month of October 1995.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, the Licensing Committee, the Nominating Committee and the Committee of the Whole be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 10:30 o'clock p.m.

* * * * *

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz, City Clerk
1995 September 26
JJS/dg

CORRESPONDENCE

Correspondence:

1. Zoning Application dated 1995 October 3 from 800064 Ontario Inc. for a further modification to the established "RT-20" (Townhouse-Maisonette) District regulations for Block "1", and for changes in zoning from "RT-20" (Townhouse-Maisonette) District, modified to "R-4" (Small Lot Single-Family Dwelling) District for Block "2" and to "C" (Urban Protected Residential, etc.) District for Block "3", for lands located at No. 1600 Garth Street.

Recommendation:

Be Received

REPORTS

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **TWELFTH** Report for 1995 and respectfully recommends:

1. That a "No Parking" regulation be implemented on the south and west sides of Cartier Crescent commencing at the west property line of No. 30 Cartier Crescent and extending to a point 74 feet south of the south curb line of Cartier Crescent and that the City Traffic By-law No. 89-72 amended accordingly.
2.
 - (a) That a "Permit Parking" regulation be implemented on the west side of Fairfield Avenue North commencing at a point 311 feet south of Britannia Avenue and extending to a point 19 feet southerly therefrom, and on the east side of Fairfield Avenue North commencing at a point 315 feet south of Britannia Avenue and extending to a point 17 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. William Anderson, No. 171 Fairfield Avenue North.
3. That the existing "Alternate Side Parking" regulation on Edgemont Street North between Cannon Street East and Roxborough Avenue be replaced with a "No Parking" regulation on the west side and unrestricted parking on the east side and that the City Traffic By-law No. 89-72 be amended accordingly.
4. That a "No Parking" regulation be implemented on the south side of Roxborough Avenue between Glendale Avenue North and the westerly end and that the City Traffic By-law No. 89-72 be amended accordingly.

5. That a "Taxi Stand, 7:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on the west side of Hess Street North commencing at a point 82 feet north of York Boulevard and extending 60 feet northerly and the City Traffic By-law No. 89-72 be amended accordingly.
6. That the Commissioner of Public Works and Traffic be authorized to issue, upon request, one Time Limit Exemption Permit to each of the first four eligible applicants residing in the apartment building at No. 157 Bold Street.
7. That a "Wheelchair Loading Zone, 8:00 a.m. to 5:00 p.m., Seven Days a Week" regulation be implemented on the south side of Greencedar Drive commencing at a point 150 feet east of Amalfi Street and extending to a point 20 feet easterly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
8.
 - (a) That a "Permit Parking" regulation be implemented on the east side of Fairfield Avenue North commencing at a point 191 feet south of Vansitmart Avenue and extending to a point 22 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Allan Walker, No. 336 Fairfield Avenue North.
9. That a "No Stopping" regulation be implemented on the east side of Sterling Street commencing at a point 96 feet north of King Street West and extending to a point 20 feet northerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
10.
 - (a) That northbound traffic on Stewartdale Avenue be required to stop for eastbound and westbound traffic on Montrose Avenue; and,
 - (b) That an "Alternate Side Parking" regulation be implemented on Cochrane Road between Lawrence Road and Greenhill Avenue such that parking is prohibited:

- (i) on the east side of the street during the months of December, January, February and March and from the 1st to the 15th day of April, May, June, July, August, September, October and November; and,
 - (ii) on the west side of the street from the 16th to the last day of April, May, June, July, August, September, October and November; and,
 - (c) That the City Traffic By-law No. 89-72 be amended accordingly.
11. That four-way stop control be implemented at the intersection of Walter Avenue North and Dunsmure Road, and that the City Traffic By-law No. 89-72 be amended accordingly.
12. (a) That the existing residential boulevard parking agreement registered as Instrument No. 188611 to the property at No. 275 Dunsmure Road be amended, at the property owner's expense, to allow two vehicles to be parked on the City road allowance; and,
- (b) That the City Solicitor be directed to process the documents in relation to the amendment of this agreement.
13. That Brant Street, Birch Avenue to Sherman Avenue, be added to the City of Hamilton Truck Route System as a full-time truck route, and that the City Traffic By-law No. 89-72 be amended accordingly.
14. That the by-law to authorize construction of local improvements of an independent concrete curb on the south side of Glenfern Avenue from Mountain Avenue to approximately 32m easterly (flankage of No. 61 Mountain Avenue) be enacted.

15. (a) That the following City land be incorporated into certain streets:
- | | | |
|----------------|---------------|--------------------|
| Bordeaux Court | Part 1 | Plan 62R-13532 |
| Upper Paradise | Road Block 69 | Plan 62M-747; and, |
- (b) That the by-laws to carry out the incorporation of the said land into the foregoing streets be enacted; and,
- (c) That the Commissioner of Transportation/Environmental Services be authorized and directed to register the by-laws.
16. That the City's share of \$18,000. for the detailed storm water Management Study for the Albion Mills Subdivision, as approved by City Council in adopting Section 9 of the Ninth Report of the Transport and Environment Committee for 1995, be increased to \$33,000. in order to also provide an Environmental Impact Statement to determine the impact of development in the Albion Falls Neighbourhood and the immediate area and that the Finance and Administration Committee recommend the source of funding for the additional \$15,000.
17. That the application of the World Curling Championships organization to display a promotional banner across Main Street West in front of City Hall from 1996 March 25 to 1996 April 1, with the message "Welcome World Curling - March 23-31, 1996", be approved.
18. (a) That the City Solicitor be authorized to amend Paragraph 8 of the Contract between the City and Disposal Management of Canada Inc. to allow the Contract security to take the form of a lien under the Personal Property Security Act; and,
- (b) That Disposal Management of Canada Inc. be required to place the lien on two previously unliened trucks and have their lawyer certify to the City that the City has good and valid first liens on each vehicle totalling \$81,833.17; and,
- (c) That the amount of the lien on each vehicle not exceed seventy-five percent of the vehicle's value; and,

- (d) That if the value of the lien vehicle becomes less than the amount of the lien on the vehicle, Disposal Management of Canada Inc. shall be required to give the City a new lien on another vehicle to maintain the City's security.
- 19. That the City Solicitor be authorized and directed to amend By-law No. 94-137 to allow for a two month extension to the one year trial closure of Mead Avenue at a point 757 feet east of the eastern limit of Parkdale Avenue.
- 20.
 - (a) That the estimated cost in the City's share of the construction of an independent concrete sidewalk on the south side of Rymal Road East from Upper James Street to Springside Drive, as approved by City Council in adopting Section 5 of the Tenth Report of the Transport and Environment Committee for 1995, be increased from \$24,133.30 to \$54,133.30; and,
 - (b) That the Finance and Administration Committee be requested to recommend a source of funds for these increased costs.
- 21. That Madison Avenue between Cannon Street East and Wilson Street be operated as a one-way street in the southbound direction and that the City Traffic By-law No. 89-72 be amended accordingly.
- 22.
 - (a) That the proposed 25 metre northerly extension of the existing raised concrete median island on Centennial Parkway, at the north leg of the intersection of Barton Street and Centennial Parkway, be advertised in accordance with the requirements of the Municipal Act; and,
 - (b) That the owners of lands at the northeast and northwest corners of the intersection of Barton Street and Centennial Parkway be advised of this action.

23. That the Commissioner of Public Works and Traffic be directed to plant a large caliper tree at McMaster University to honour Dr. Bertram N. Brockhouse for having received the 1994 Nobel Peace Prize for Physics and that funds be provided from Account No. CH60402 56103.
24. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) A-58 A By-law to Amend By-law No. 89-72 to Regulate Traffic
 - (b) A-59 A By-law to Amend By-law No. 89-72 to Regulate Traffic
 - (c) A-60 A By-law to Authorize the construction as a local improvement an independent concrete curb on the south side of Glenfern Avenue from Mountain Avenue to approximately 32m easterly (flankage of No. 61 Mountain Avenue) (as described in Schedule "A") upon the petition of the abutting owners pursuant to Section 11 of the Local Improvement Act
 - (d) A-61 A By-law to Incorporate City Land Designated as Part 1, Plan 62R-13532 into Bordeaux Court
 - (e) A-62 A By-law to Incorporate City Land Designated as Block 69, Plan 62M-747 into Upper Paradise Road

Respectfully Submitted,

Kevin C. Christenson
Secretary

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

1995 October 2nd

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **NINETEENTH** Report for 1995 and respectfully recommends:

1. (a) That Zoning Application ZAC-95-23, Hampshire Properties Inc., owner, requesting a change in zoning from "CR-1" (Commercial-Residential) District, modified to "HH" (Restricted Community Commercial and Shopping, etc.) District, to permit the use of the subject lands for an automobile dealership, for lands located at 1275 Upper James Street, as shown on the attached map marked as APPENDIX "A", be APPROVED on the following basis:
 - (i) That the subject lands be rezoned from "CR-1" (Commercial-Residential) District, modified, to "HH" (Restricted Community Commercial and Shopping, etc.) District; and,
 - (ii) That the "HH" (Restricted Community Commercial and Shopping, etc.) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 1. Notwithstanding Section 18(3)(ivc)(b) of Zoning By-law 6593, a landscape planting strip having a minimum width of 6.0 m shall be provided and maintained along the easterly limits of the "HH" District where they abut the residential district to the east; and,
 2. That a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the easterly limits of the "HH" District where they abut the residential district to the east; and,
 3. Notwithstanding Section 14A(3)(a) of Zoning By-law 6593, a front yard depth of at least 24 metres shall be provided and maintained; and,

4. That a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the entire westerly lot line, except for any area used for driveway access.
- (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - 1349, and that the subject lands on Zoning District Map E-96 be notated S - 1349; and,
- (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-96 for presentation to City Council; and,
- (v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the Jerome Neighbourhood Plan be amended by changing the designation of the subject lands from "Residential - Commercial & Apartments" to "Commercial" upon finalization of the implementing By-law.
2. (a) That approval be given to Official Plan Amendment No. 132 to redesignate the subject lands from "COMMERCIAL" to "RESIDENTIAL" and to delete that portion of Special Policy Area 23 applicable to the subject lands, and the City Solicitor be directed to prepare a By-law of adoption for submission to Regional Municipality of Hamilton-Wentworth; and,
- (b) That approval be given to Zoning Application 95-15, Wellington Chase Inc. (J. Parente), owner, requesting a change in zoning from "G-1" (Designed Shopping Centre) District to "C" (Urban Protected Residential, etc.) District, for property located at the north-west corner of Emperor Drive and Upper Wentworth Street, shown on the attached map marked as APPENDIX "B", on the following basis:
 - (i) That the subject lands be rezoned from "G-1" (Designed Shopping Centre) District to "C" (Urban Protected Residential, etc.) District; and,
 - ii) That the Director of Planning be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18D for presentation to City Council; and,

- (iii) That the approved Barnstown Neighbourhood Plan be amended by redesignating the subject lands from "COMMERCIAL" to "SINGLE & DOUBLE RESIDENTIAL" upon finalization of the implementing By-law; and,
 - (iv) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 132 by the Regional Municipality of Hamilton-Wentworth.
- 3.
 - (a) That approval be given to Official Plan Amendment No. 133 to redesignate the subject lands from "Major Institutional" to "Commercial", and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,
 - (b) That Zoning Application 95-18, Elite Realty Corporation, prospective owner, requesting a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, modified, to permit limited commercial uses within the existing building, for property located at 775 and 779 Upper Wentworth Street, shown on the attached map marked as APPENDIX "C", be approved on the following basis:
 - (i) That the subject lands be rezoned from "D" ((Urban Protected Residential - One and Two Family Dwellings, etc.) District to "HH" (Restricted Community Shopping and Commercial) District; and,
 - (ii) That the "HH" (Restricted Community Shopping and Commercial) District regulations, as contained in Section 14A. of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special provision:
 - 1. Notwithstanding Section 14A. (1) of Zoning By-law No. 6593, only the following uses shall be permitted and only within the existing building:
 - (a) a bank or financial institution; and,
 - (b) a day nursery; and,

- (c) a business or professional person's office, excluding medical and dental; and,
 - (d) a photographer's or artist's studio; and,
 - (e) an art gallery; and,
 - (f) a business identification sign that is wall of an occupancy or use, that complies with the following requirements:
 - (i) No sign shall exceed 2.0 metres in height;
 - (ii) The total aggregate area of all signs shall not exceed 0.5 square metres for each 0.5 metres of exterior lineal face of the building;
 - (iii) Every sign shall be parallel to the wall to which it is affixed; and,
 - (iv) No sign shall be illuminated unless the source of light is steady and suitably shield to contain the illumination.
- (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1348, and that the subject lands on Zoning District Map E-27 be notated S-1348;
 - (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27 for presentation to City Council;
 - (v) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 133 by the Regional Municipality of Hamilton-Wentworth;
- (c) That the Approved Burkholme Neighbourhood Plan be amended by redesignating the subject lands from "Civic and Institutional" to "Commercial" upon finalization of the implementing By-law; and,
 - (d) That amending By-law not be forwarded for passage by City Council until such time as the applicant applies for and receives site plan approval.

4. That Section 3(a) of the Seventh Report of the Planning and Development Committee for 1995, which applies the 'H' - Holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the lands located at the rear of 914 Upper James Street fronting onto Caledon Avenue, shown on the attached map marked as APPENDIX "D", respecting Zoning Application 95-17, Madan Gopal Sharma, owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-30" - 'H' (Street-Townhouse - Holding) District, modified, to permit seven (7) street townhouses, be REPEALED.
5. That the Planning and Development Committee refer the following recommendations to the Finance and Administration Committee for consideration:
 - (a) That applicants for new licences listed in Appendix "E" be required to submit a plot plan satisfactory to the Building Department and obtain a zoning verification from the Building Department before a licence application is processed by the Clerk's Department; and
 - (b) That applications for licence renewals and transfers be exempt from providing a plot and zoning verification; and,
 - (c) That the City of Hamilton Licensing By-law 93-069 be amended accordingly.
6. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars (\$2,000.) be approved for Cathleen Smith, 11 Aldridge Street, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

7. That the following individuals be formally appointed as members of the St. Clair Boulevard Heritage Conservation District Advisory Committee:

Chairperson:	David Beland
Vice-Chair:	Ingrid Tillinger
	Alex Polger
	David Angles
	Attilio Difiore
	Bruce Youngblud
	John Wade
LACAC Rep:	Brian Henley

8. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) C-56 A By-law to Revise the Barton General Community Improvement Plan.
- (b) C-57 A By-law Respecting the Making of Loans for Repairs to Retaining Walls.
- (c) C-58 A By-law Respecting Lands Located at Municipal No. 121 Augusta Street Within the Corktown Neighbourhood.
- (d) C-59 A By-law Respecting Land Located at the Rear of Municipal No. 914 Upper James Street Fronting onto Caledon Avenue.

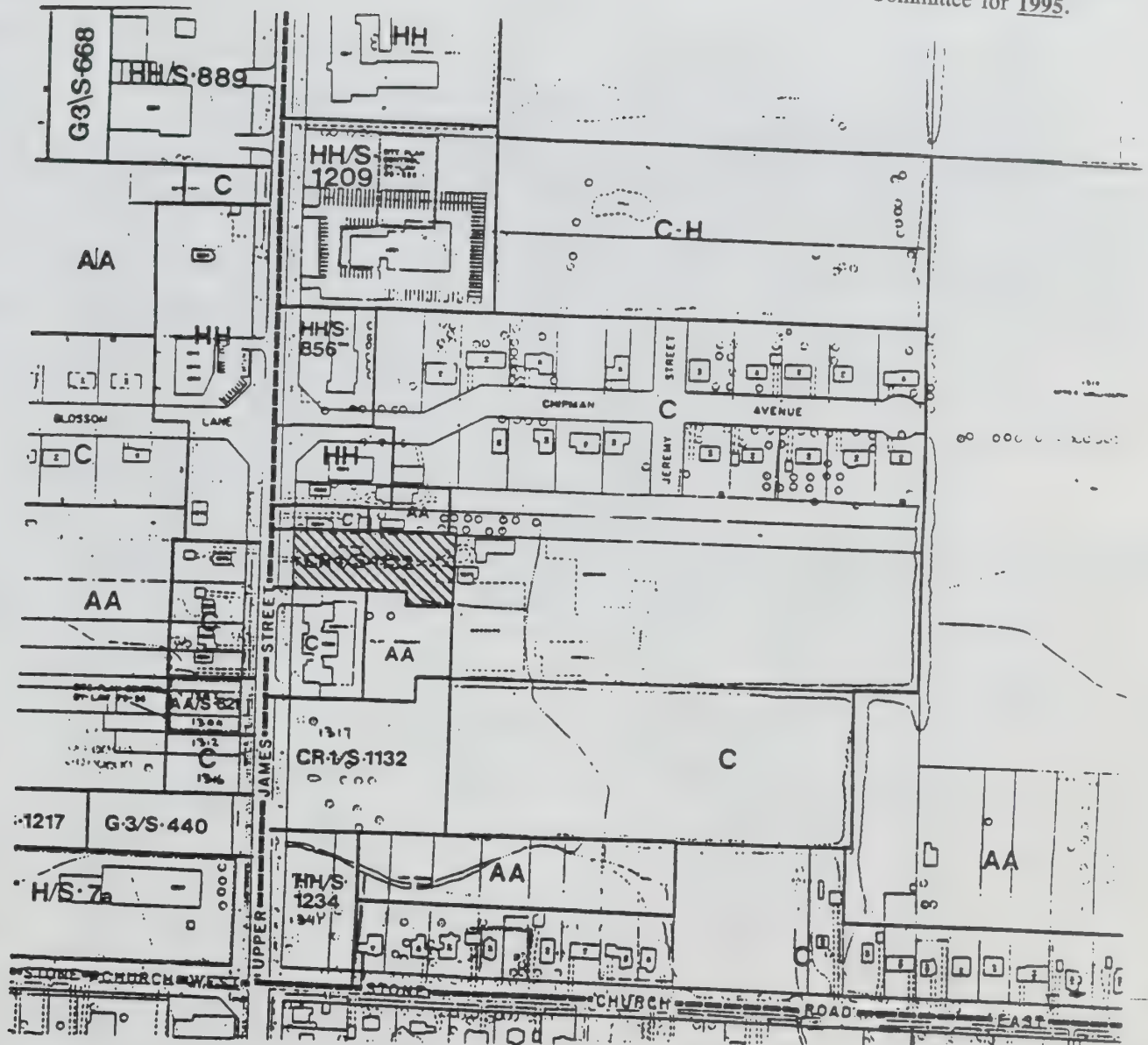
Respectfully submitted,

**ALDERMAN DRURY, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE**

**Tina Agnello
Secretary
1995 October 4**

1995 October 10

Appendix "A" referred
to in Section 1 of the
NINETEENTH Report of the
Planning and Development
Committee for 1995.



Legend

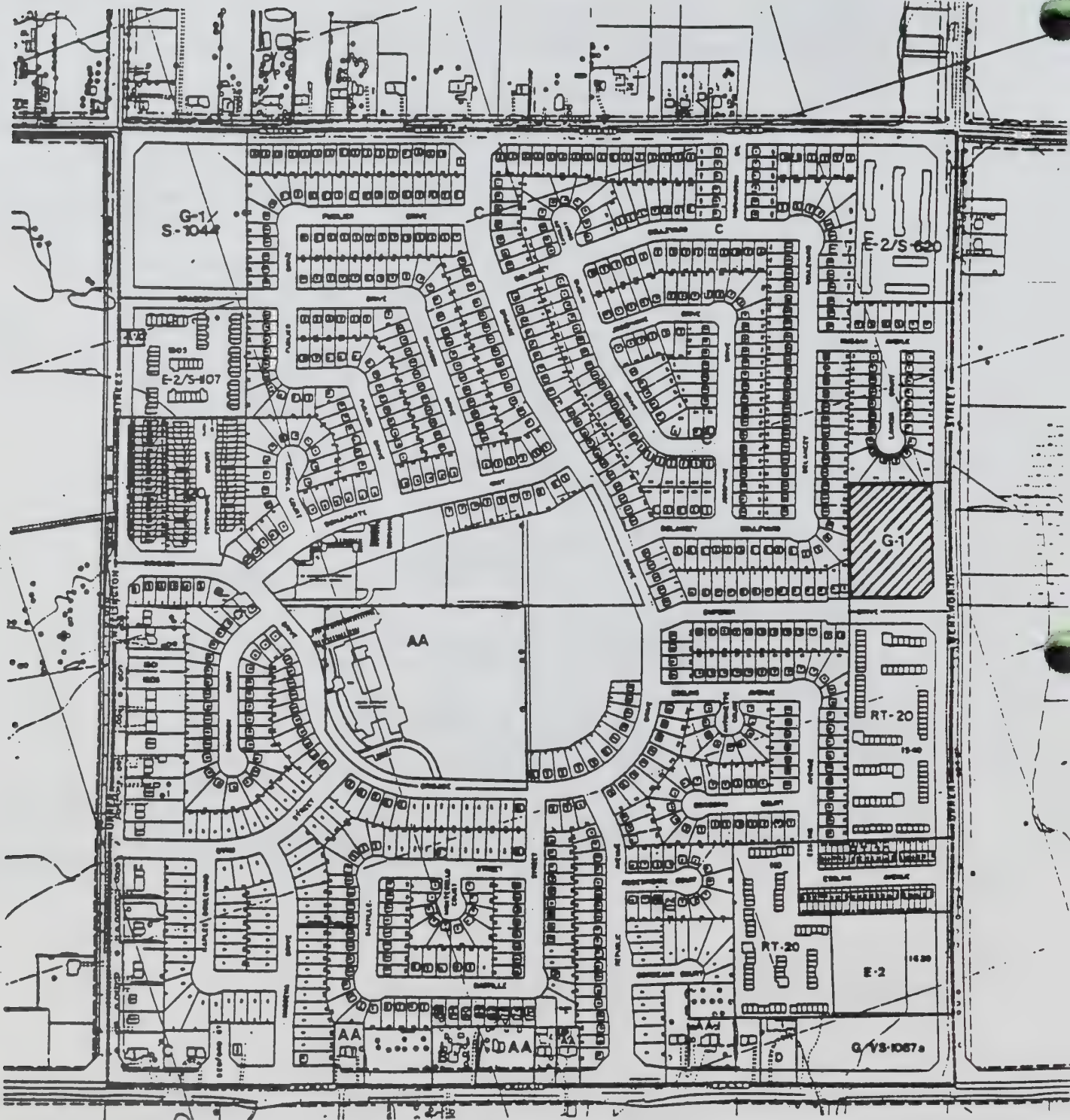


Site of the Application



1995 October 10

Appendix "B" referred
to in Section 2 of the
NINETEENTH Report of the
Planning and Development
Committee for 1995.



Legend



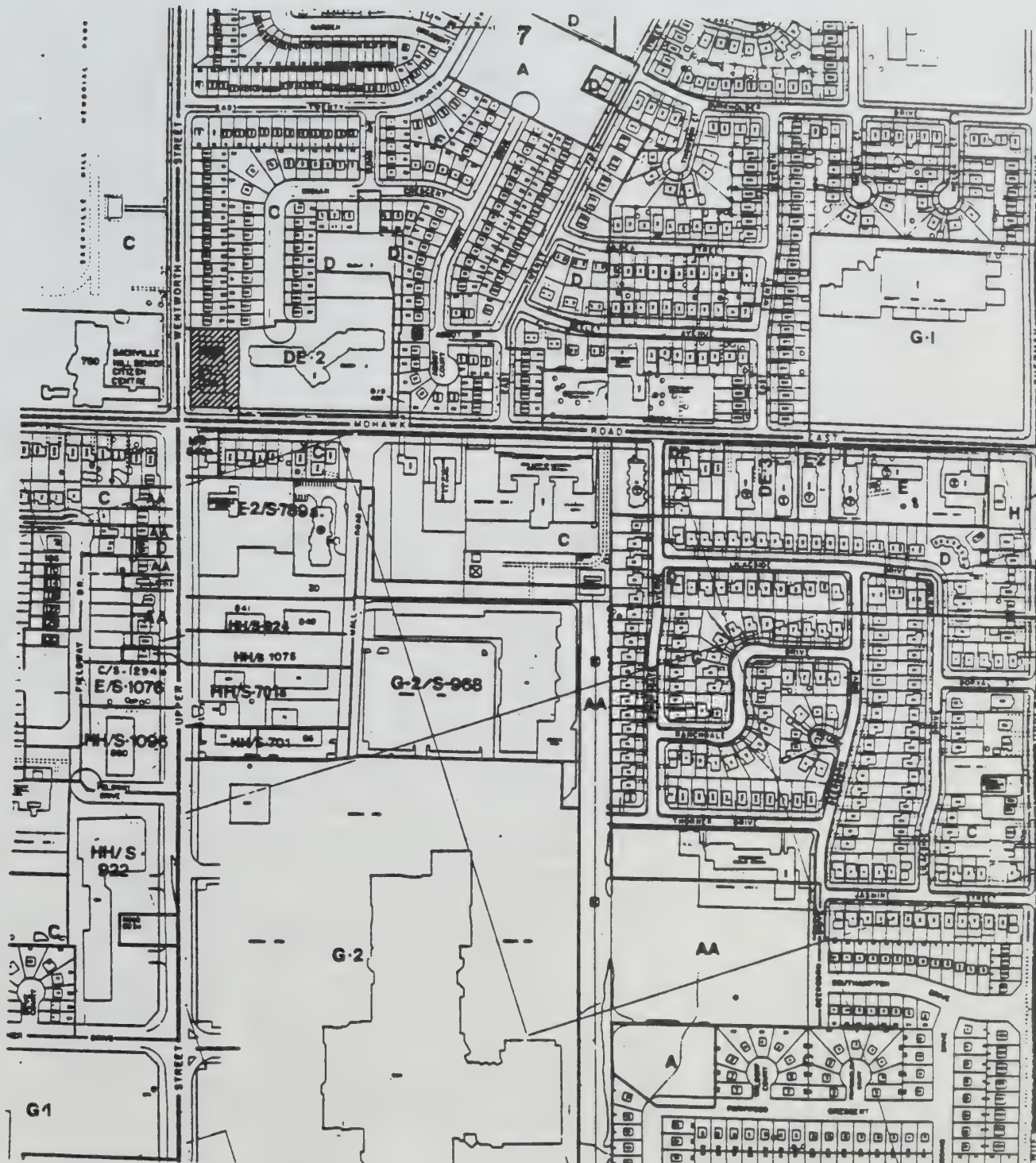
Site of the Application

ZAC-95-15

APPENDIX A

1995 October 10

Appendix "C" referred
to in Section 3 of the
NINETEENTH Report of the
Planning and Development
Committee for 1995.



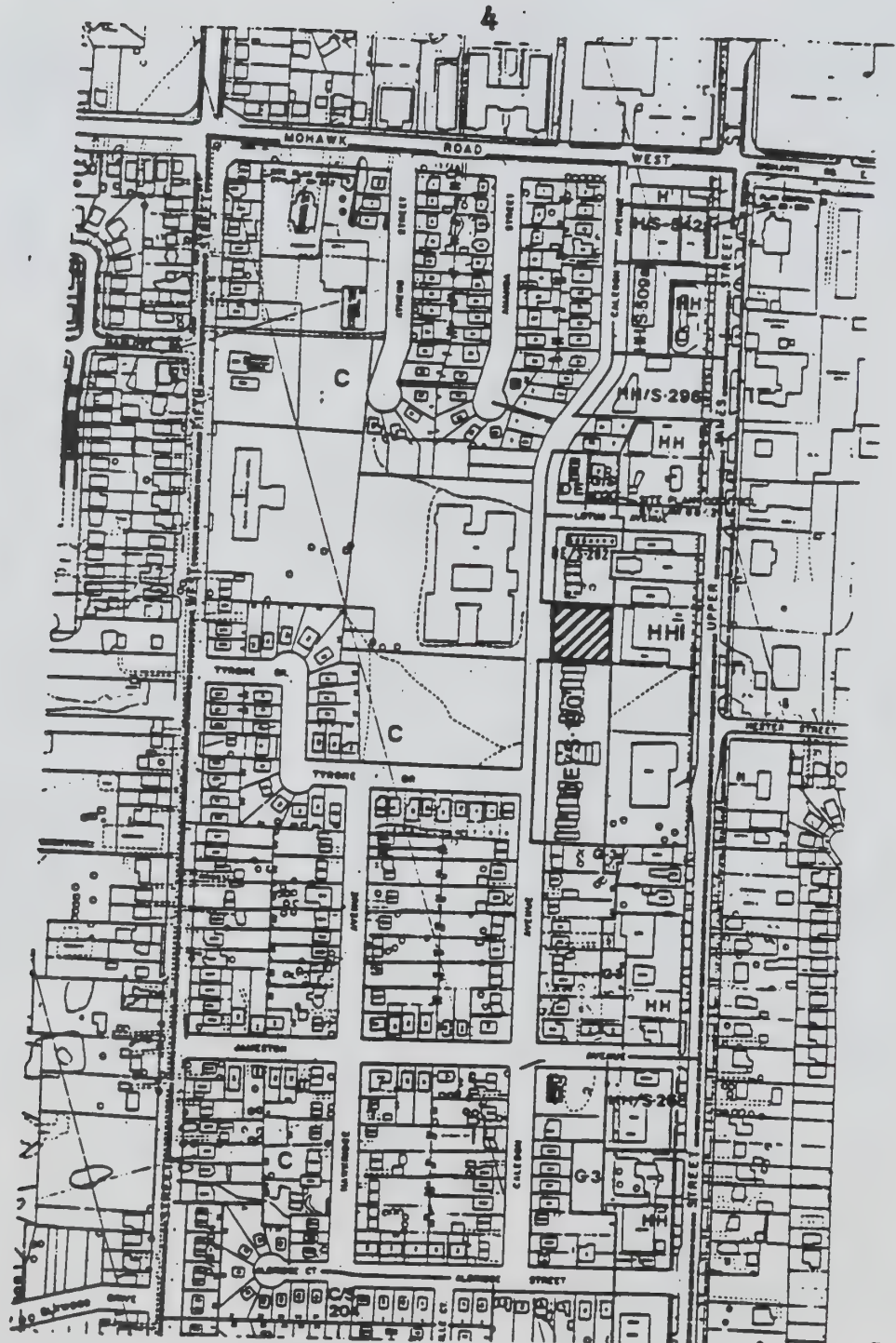
Legend



Site of the Application



APPENDIX A



Legend



Site of the Application

APPENDIX A

Places of Amusement

- Billiards
- Public Hall
- Bingo Hall
- Roller Skating Rink

Eating Establishments

- Lunch Counter
- Restaurant
- Restaurant, Take Out

Flea Market

Garages

- Garage A - Auto Sales
- Garage B1 - Mechanical Repairs and Bodywork
- Garage B2 - Mechanical Repairs
- Garage B3 - Bodywork
- Garage C - Gas Pumps
- Garage D - Parking Lot
- Garage E - Car Wash

Lodging House

Second Level Lodging House

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWENTY-FOURTH** Report for 1995 and respectfully recommends:

1.
 - (a) That the City resolve Ontario Court (General Division) Action # 2371/93 by the payment to the Plaintiffs, Dominion of Canada General Insurance Company and 599960 Ontario Inc., operating as Taylor Leasing, of the sum of \$1,500. inclusive of all claims, damages, interest and costs; and,
 - (b) That the Plaintiffs be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (c) That Ontario Court (General Division) Action # 2371/93 and all crossclaims therein be dismissed without costs.
2.
 - (a) That the City be authorized to enter into Extension Agreements, if required, in a form satisfactory to the City Solicitor and the City Treasurer pursuant to Section 8 of the Municipal Tax Sales Act, with the owners of the following properties to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on 1994 June 28:

386 Barton East

178 Barons North
 - (b) That the by-law to authorize the said Extension Agreements be enacted by Council; and,
 - (c) That the Mayor and City Clerk be authorized to execute the aforesaid by-law and extension agreements.
3. That as referred to in Section 16 of the Twelfth Report for 1995 of the Transport and Environment Committee, the cost revision from \$18,000. to \$33,000. for the detailed Storm Water Management Study for the Albion Mills Subdivision in order to provide an Environmental Impact Statement to determine the impact of development in the Albion Falls Neighbourhood and the immediate area in the amount of \$15,000., be financed from Centre No. CH 00107 - "Reserve for Services Through Unsubdivided Lands".

4.
 - (a) That as referred to in Section 20 of the Twelfth Report for 1995 of the Transport and Environment Committee, By-Law No. 95-155 be amended to provide for increased costs to construct an independent concrete sidewalk on the south side of Rymal Road East from Upper James Street to Springside Drive under the Local Improvement Act at an estimated \$30,000.; and,
 - (b) That the City's share of \$30,000. from \$24,133.30 to \$54,133.30 be financed from the 1995 Capital Levy (Account Centre No. CH22002); and,
 - (c) That the total project cost be revised from \$74,800. to \$104,800.; and,
 - (d) That the amending By-Law be prepared and submitted in a form satisfactory to the City Solicitor enactment by City Council.
5. That the upset limit of \$10,000. to retain Harry Kitchen, Consultant, to assist the Committee of the Whole in drafting a position on Local Government Restructuring be financed from Consultants Fees Account CH 55406 24101.
6.
 - (a) That the invoice in the amount of \$73,275.33 from Hamilton Hydro be paid from Account No. CH 5X921-00140; and,
 - (b) That the Reserve Account No. 00140 be closed and the balance be transferred to the Reserve for Working Funds (No. 00172).
7. That the listing of Appointments To and Terminations from Permanent Positions with the Corporation of the City of Hamilton to 1995 September 21, attached herewith and marked Appendix "A", be approved.
8.
 - (a) That approval be given to the Multicultural Health Coalition (Hamilton Chapter) to use Committee Rooms 264 and 233 on Thursday, 1995 November 23 from 7:00 to 9:00 p.m. for a Community Consultation Meeting; and,
 - (b) That the City Clerk be authorized to approve of a similar use in future years provided it does not interfere with any other activity.
9.
 - (a) That approval be given to the Ontario March of Dimes to place a paper Ability Tree on the second floor at City Hall during the month of 1995 November; and,
 - (b) That the City Clerk be authorized to approve of a similar use in future years provided it does not interfere with any other activity.

10. That approval be given to the Chinese Cultural Association to use the following City Hall facilities in order to enhance the Hamilton Sesquicentennial Birthday Celebration:
 - (a) Council Chambers on Monday, 1996 February 5 at 3:00 p.m. for Opening Ceremonies; and,
 - (b) Second Floor Lobby during the month of February for an Exhibition of Chinese Arts and Crafts.
11.
 - (a) That approval be given to the Hamilton Veterans Committee to use the Second Floor Foyer (east end), from 1995 November 1 to 14, for a photographic display; and,
 - (b) That the City Clerk be authorized to approve of a similar use in future years provided it does not interfere with any other activity.
12.
 - (a) That effective 1988 January 1, The Hamilton Municipal Retirement Fund be amended and restated in the form and manner contained in the document entitled "The Hamilton Municipal Retirement Fund (As amended and Restated Effective 1988 January 1)" located in the Office of the Clerk; and,
 - (b) That the Treasurer or officer designated by the Treasurer of the Corporation is authorized to execute such other agreements, certificates, consents, corporate papers and other documents, make such payments and take all other action (including the filing of all required documents which appropriate governmental agencies and ensuring compliance with any reasonable changes or conditions imposed by the Department of Finance, Revenue Canada, Taxation, the Pension Commission of Ontario or any other appropriate governmental authorities in connection with the actions authorized or approved in the foregoing resolutions) that the Treasurer deems necessary or desirable to carry out the intent and purposes of the foregoing resolution.
13.
 - (a) That Telecom Services Limited (TSL) of New York, New York be authorized to audit the City of Hamilton's telephone bills on a contingency basis, where TSL receives 42% of any one-time refunds that apply in accordance with their proposal of 1995 June 16; and,
 - (b) That any telephone bill refunds be credited to Account #24201 (Miscellaneous Revenue) and that any payments to Telecom Services Limited be made from the same account; and,
 - (c) That the Mayor and City Clerk be authorized to execute an agreement with Telecom Services Limited provided that it is in a form satisfactory to the City Solicitor.

14. (a) That the practice of utilizing an employment contract for the incumbent in the complement position of Co-ordinator of Food Services, Culture and Recreation Department, be discontinued; and,

(b) That this position be forwarded to the Human Resources Department for rating within the Job Evaluation Program.
15. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
 - (a) D-66 A By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears.
 - (b) D-67 A By-law to Amend By-law No. 94-095 respecting 1994 Debenture Projects and Amounts.
 - (c) D-68 A By-law to Amend Licensing By-law No. 95-173 respecting: Adult Video Stores.
 - (d) D-69 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1995 October 3**

Appendix "A" referred
to in Section 7 of the
TWENTY-FOURTH Report
of the Finance and Administration
Committee for 1995.

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>STATUS</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Ms. Deborah Gagnon	I	Paralegal/Prosecutor (N)	Law	Replacing Mr. A. Biro - retired, Dec. 30/94	\$37,794.64 to \$44,568.68	Aug. 28/95

Prepared September 21, 1995

Status
Internal - I
External - E

THE CORPORATION OF THE CITY OF HAMILTON

TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Mr. Carl Jason	Concrete Finisher	Public Works	Terminated	4 years, 3 months	Aug. 28/95
Mr. Richard Ladniak	Caretaker	Property	Resigned	5 years, 9 months	Aug. 29/95
Mr. George Baker	Fire Chief	Fire	Retired	35 years, 6 months	Sept. 29/95

Prepared September 21, 1995

Glossary of Terms

Terminated - long term disability
 - discharge
 - downsizing
 - redundant

Resigned - personal betterment
 - personal reasons

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1995 OCTOBER 10
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL**

B I L L S

BY-LAW NO. 95 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 26 (No Parking Areas)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"Cartier	South and West	commencing at the west property line of No. 30 to a point 74 feet south of the south curb line of Cartier	Anytime
Edgemont	West	Cannon to Roxborough	Anytime
Roxborough	South	Glendale to west end	Anytime"

2. **Schedule 27 (Alternate Side Parking)** is hereby amended by deleting therefrom the following item, namely:-

"Edgemont Street North East West".
Main Street East to Cannon Street East

and by adding thereto the following items, namely:-

"Edgemont East West
Main to Roxborough
Cochrane East West".
Lawrence to Greenhill

3. **Schedule 34 (Sticker Permit Parking)** is hereby amended by adding thereto the following items, namely:-

"Fairfield	West	commencing at a point 311 feet south of Britannia to a point 19 feet southerly therefrom	Anytime
Fairfield	East	commencing at a point 315 feet south of Britannia to a point 17 feet southerly therefrom	Anytime
Fairfield	East	commencing at a point 191 feet south of Vansitmart to a point 22 feet southerly therefrom	Anytime".

PASSED this day of A.D. 1995.

CITY CLERK

MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 95-

To Authorize:

1. The construction as a local improvement an independent concrete curb on the south side of Glenfern Avenue from Mountain Avenue to approximately 32m easterly (flankage of 61 Mountain Avenue), (as described in Schedule "A") upon the petition of the abutting owners pursuant to section 11 of The Local Improvement Act;
2. The imposition of a special assessment upon the lands of the abutting owners in respect of the abutting owners' portion of the cost of the works;
3. The preparation of plans, specifications and reports and the supervision of construction of the said works by the Commissioner of Public Works and Traffic.

WHEREAS a petition for the works hereinafter described to be constructed as local improvements has been lodged with the Clerk pursuant to sections 7 and 11 of the Local Improvement Act, R.S.O. 1990, c.L26;

AND WHEREAS at least two thirds of the owners directly abutting the proposed works, representing at least one-half of the value of the lots liable to be specially assessed, have signed and lodged the said petition with the Clerk for presentation to Council for the City to undertake the said works as local improvements;

AND WHEREAS the City Clerk has, as required by the Local Improvement Act, issued his certificate that the said petition sufficiently meets the minimum requirements of the Local Improvement Act;

AND WHEREAS when Council is presented with a sufficiently signed petition for a work, The Local Improvement Act provides that Council may pass a by-law to undertake the works as a local improvement;

AND WHEREAS the Council of The Corporation of the City of Hamilton did decide (in adopting Item 3 of the 10th Report of the Transport & Environment Committee on August 29, 1995) to authorize preparation of this by-law because it is expedient to undertake the works hereinafter described as local improvements pursuant to the petition received from the abutting owners;

AND WHEREAS the Council of The Corporation of the City of Hamilton did adopt Item 14 of the 19th Report of the Finance & Administration Committee on August 29, 1995 to authorize that the Corporation's portion of the cost of the proposed works be paid out of current revenues;

AND WHEREAS the Council has obtained reports, estimates and statements required for the undertaking of the said works;

AND WHEREAS the Council of The Corporation of the City of Hamilton intends to raise the Corporation's portion of the cost of the works out of its current revenues and, pending payment in full by the abutting owners of the special assessment provided for below, to finance the abutting owners' portion of the costs by borrowing such funds, through the Region's issuance of debentures;

AND WHEREAS the Regional Municipalities Act, (R.S.O. 1990, c.R.8,sec.11) provides that "no area municipality has power to issue debentures", and that Regional Council may borrow money for the purposes of any area municipality;

AND WHEREAS the Ontario Municipal Board Act, (R.S.O.1990,c.O.28,sec.65), states that a municipality shall not authorize any work the cost of which is to be raised in a subsequent year or years until the approval of the Board has first been obtained.

AND WHEREAS the Local Improvement Act (sec.53(7)) states that the amount of monies borrowed to respect of the abutting owners' portion of the cost of the works "...shall not be deemed to be part of the existing debenture debt of the Corporation within the meaning of the provisions of the Municipal Act limiting the borrowing powers of the municipality";

AND WHEREAS Ontario Regulation 710/92 prescribed pursuant to the Municipal Act, (R.S.O.1990,c.M.45), establishes a limit for the City of Hamilton's debt obligations which do not require approval of the Ontario Municipal Board;

AND WHEREAS the financial commitments, liabilities and debts of the local improvements works listed herein, being financed by debentures to be issued by the Region on behalf of the City, together with the City of Hamilton's other financial obligations and debts, do not exceed the City's maximum permitted debt and financial obligation limit prescribed by Ontario Regulation 710/92 and therefore, approval of the Ontario Municipal Board to issuance of debentures by the Region hereinafter described is not required;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The construction of the following described works may be proceeded with under The Local Improvement Act, at an estimated cost not to exceed \$2,900.00.

The construction of an independent concrete curb on the south side of Glenfern Avenue from Mountain Avenue to approximately 32m easterly (flankage of 61 Mountain Avenue) at the cost not exceeding those set out below:

City's portion of the cost	\$2,263.00
Owners' portion of the cost	<u>637.00</u>
Total Estimated cost of the works	<u>\$2,900.00</u>
Estimated Cost per metre frontage payable by the abutting owners in Fifteen (15) annual instalments	\$ 72.00

2. The portion of the estimated costs of the said works in the amount of \$637.00 shall be borne by the owners of the lands abutting directly on the works and the said estimated cost per metre shall be rated and specially assessed upon the lots abutting directly on the works, according to the extent of their respective frontages therein, by an equal special rate per metre of such frontage payable in annual instalments until fully paid.

3. Pending payment of the abutting owners' portion of the costs referred to in Section 2, the said portion shall be financed by the issue of debentures (subject to the terms listed below) by The Regional Municipality of Hamilton-Wentworth on behalf of the City of Hamilton;
 - (a) to the extent sufficient to provide an amount not exceeding \$637.00, and,
 - (b) repayable over a term not exceeding twenty (20) years, chargeable to The Corporation of the City of Hamilton.
4. The Commissioner of Public Works and Traffic is hereby authorized to:
 - (a) prepare all necessary plans, specifications and reports required for the construction of the works; and,
 - (b) supervise construction of the works.
5. The Mayor and City Clerk are hereby authorized to execute, on behalf of The Corporation of the City, all contracts necessary for the construction of the works.

PASSED this day of ,A.D. 1995.

CITY CLERK

MAYOR

(1995) 10 R.T.E.C.3, August 29
 (1995) 19 R.F.A.C.14, August 29

SCHEDULE "A"

The construction of an independent concrete curb on the south side of Glenfern Avenue from Mountain Avenue to approximately 32m easterly (flankage of 61 Mountain Avenue) at the costs not exceeding those set out below:

City's Share	\$2,263.00
Owners' Share	<u>637.00</u>
TOTAL ESTIMATED COST	<u>\$2,900.00</u>
Estimated Cost per metre frontage	\$72.00
Fifteen (15) annual instalments	

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 95-

TO INCORPORATE CITY LAND
DESIGNATED AS PART 1, PLAN 62R-13532
INTO BORDEAUX COURT

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate a portion of the highway known as Bordeaux Court within its limits, the land described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Bordeaux Court.

Part Block 16, Plan 62M-664, designated as Part 1, on Plan 62R-13532.

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open as public highway the said lands.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this

day of

A.D. 1995

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAWNO. 95-

TO INCORPORATE CITY LAND
DESIGNATED AS BLOCK 69, PLAN 62M-747
INTO UPPER PARADISE ROAD

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate a portion of the highway known as Upper Paradise Road within its limits, the land described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Upper Paradise Road.

All Block 69, Plan 62M-747.

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open as public highway the said lands.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

4. By-Law 95-153 is hereby rescinded.

PASSED this

day of

A.D. 1995

City Clerk

Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend By-law No. 88-12

To Revise:

THE BARTON GENERAL COMMUNITY IMPROVEMENT PLAN

WHEREAS Section 1 of By-law No. 88-11, passed on the 12th day of January 1988, designated the area described in Schedule "A", and shown on Schedule "B" thereto, as a community improvement project area, known as the "Barton General Community Improvement Project Area" in accordance with subsection 28(2) of the Planning Act, 1983, now R.S.O. 1990, Chapter P.13;

AND WHEREAS By-law No. 88-12, passed on 12th day January 1988, adopted The Barton General Community Improvement Plan which includes provisions regarding the rehabilitation and renewal of the said Community Improvement Project Area;

AND WHEREAS the Council of The Corporation of the City of Hamilton, at its meeting held on the 27th day of June 1995, (Item 8, 15th Report, Planning and Development Committee), authorized revisions to the said Barton General Community Improvement Plan;

AND WHEREAS the Council of The Corporation of the City of Hamilton, at its meeting held on the 29th day of August 1995, (Item 20, 17th Report, Planning and Development Committee), authorized further revisions to the said Community Improvement Plan;

AND WHEREAS subsection 28(7) of the Planning Act, states:

"(7) For the purpose of carrying out the community improvement plan, the municipality may make grants or loans to the registered owners or assessed owners of lands and buildings within the community improvement project area to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the community improvement plan.";

AND WHEREAS the Building Department has held a public meeting on the 2nd day of August 1995 and taken other steps required by the Planning Act [subsection 28(4)] prior to the enactment of this by-law to amend the Barton General Community Improvement Plan;

AND WHEREAS it is intended to revise the said Community Improvement Plan for the said area with the following provisions;

AND WHEREAS by By-law No. 87-178 the Barton East #1 Business Improvement Area was designated by Council and for the said Area, Council has by By-law No. 87-308, as amended, established a corporation, the Board of Management for the Barton East #1 Business Improvement Area.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The amendments to the Barton General Community Improvement Plan hereto annexed as Schedule "A" and forming part of this by-law, are hereby adopted.
2. The City Solicitor is hereby authorized and directed to make application to the Minister of Housing and Municipal Affairs,
 - (a) for approval, as required by subsection 28(2) of the Planning Act, to this amending by-law adopting these amendments to the Barton General Community Improvement Plan;
 - (b) for approval, as required by subsection 28(8) of the community improvement provisions of the Planning Act, to be granted to the City by the Minister to permit the City to make the grants and offer the other assistance provided for in the Barton General Community Improvement Plan, as amended by this amending by-law, that would otherwise be bonuses prohibited by subsection 111(1) of the Municipal Act.
3. This by-law shall come into force and effect on or after the date the Minister grants the said two approvals.

PASSED this day of

A.D. 1995

CITY CLERK

MAYOR

(1995) 15 R.P.D.C. 8, June 27
(1995) 17 R.P.D.C. 20, August 29

SCHEDULE "A"

TO BY-LAW NO. 95-

The Barton General Community Improvement Plan is amended by the following additional provisions, which additional provisions shall prevail in the event of any conflict with the terms of the original Plan.

1.0 GENERAL

For the purpose of carrying out the Barton General Community Improvement Plan, the City of Hamilton may make grants and loans to the registered owners or assessed owners of lands and buildings within the said Community Improvement Project Area to pay for the whole or any part of the cost of the community improvement of any such lands, including the cost of rehabilitating such lands and buildings in conformity with the said Community Improvement Plan and upon the following additional terms and conditions.

Grants and loans are available only to the extent of funds allocated from time to time for those purposes by the Council of The Corporation of the City of Hamilton.

2.0 REVISED LOAN GUIDELINES

- 2.1 Upon receipt of a satisfactory application which meets the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years at an interest rate of one half of the City's prime borrowing rate, amortized for a maximum period of ten years (open).
- 2.2 These loans are solely intended for the owners of lands within the said designated Community Improvement Project Area where the owner's lands are used for non-residential purposes which, in the opinion of the City,
 - (a) are intended for the eligible improvements and expenses contemplated in the said Plan as amended herein;
 - (b) fulfil the objectives of the City expressed in the Barton General Community Improvement Plan, as amended herein;
 - (c) meet the security/equity and other requirements of the City specified herein.
- 2.3 While businesses which are tenants are not, according to the Planning Act, eligible for loans and grants provided for in the said Plan as amended herein, loans to eligible property owners for improvements which will also benefit business tenants are provided for in this Plan.
- 2.4 Loans may be made to an owner of a non-residential property not exceeding the sum of \$15,000. in respect of the cost of eligible facade and exterior renovations to each separate location of the owner's property specially assessed or specially assessable for a levy payable to the Barton East #1 Business Improvement Area. These loans are subject to a maximum limit of \$45,000. for each deeded property of the owner.
- 2.5 Loans may be made to an owner of a non-residential property not exceeding the sum of \$10,000. in respect of the cost of eligible interior improvements to each separate location of the owner or of a tenant under lease from the owner, specially assessed or specially assessable for a levy payable to the Barton East #1 Business Improvement Area, subject to,
 - (a) the tenant accepting in writing the proposed interior improvements; and
 - (b) a loan maximum of \$30,000. for each deeded property of the owner.

- 2.6 Loans may be made to an owner of a non-residential property not exceeding the sum of \$5,000. in respect of the cost of eligible exterior and facade improvements and to repair deficiencies in compliance with health, safety or property standards. This loan is in the discretion of Council and where approved, may be concurrent with or in addition to the maximum permitted loans specified in sections 2.4 and 2.5. This loan shall be unsecured and not registered on title. Section 2.10 (b) and (c) shall not apply to this loan.

Where this community improvement loan is the subject of a grant provided for in section 3 of this by-law, the grant to the owner to pay down the principal of this loan shall not exceed \$2,500. and shall be advanced as follows:

- (a) \$1,500. as of the completion of construction as confirmed by the Building Department; and
- (b) \$1,000., (or the balance of the grant), one year following the first advance;
- (c) Section 3.4 (d) on advancement of section 3 grants shall not apply.

- 2.7 Loans may be for the following types of improvements and their related expenses:

- exterior building envelope;
- major building systems, including roof, wiring, plumbing, heating;
- interior fixtures, including partitions;
- interior decorating, including lighting, painting, wallpaper, etc.;
- built-in showcases, freezers, special plumbing, etc.;
- exterior/interior signage;
- related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or \$200.;
- such other loan program administrative fees fixed by Council from time to time.

Loans shall be advanced only in respect of completed work which has been inspected by the City.

Loans may not be made for the following expenses: Chattels, such as tables, chairs, cash registers or rental and owner occupied residential accommodation.

- 2.8 The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department. Deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage, etc.).
- 2.9 The owner will obtain two estimates for building envelope based on inspection, and two estimates for facade improvements proposed by owner. (The Building Department will examine the estimates based on their inspection.). A report prepared by the Housing and Loans Division of the Building Department, (including the recommendation of the Board of Management of the B.I.A.) on each loan will be made to the Planning and Development Committee and Council for approval.
- 2.10 As security for repayment of the loan to the City, the borrowing owner shall:
- (a) give the City a promissory note and, if a limited company, the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the corporate borrower to borrow the loan and give the loan security to the City;

- (b) permit a City Lien to be registered on title to the property being improved in which property the owner must have at least 20% equity to provide security for the loan, after covering outstanding property encumbrances, including the amount of the City's loan;
 - (c) where the owner has less than 20% equity in the property being improved,
 - (i) the owner may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City the collateral mortgage; or
 - (ii) the owner may provide the City with a guarantee from another person, provided the guarantee is secured by a mortgage on the Guarantor's property that meets the City's equity requirements and the Guarantor's lawyer prepares and certifies the guarantee and the collateral mortgage to the City in a form satisfactory to the City Solicitor;
 - (d) keep in good standing business, realty and B.I.A. levies.
- 2.11 Upon sale of a security property, the loan becomes due and payable in full to the City, unless the new owner meets the lending criteria and assumes the original terms and conditions of the loan.
- 2.12 Repayment of loans to the City shall be monthly but open to full repayment at any time without notice or penalty.

3.0 GRANT GUIDELINES

- 3.1 Grants may be made to recipients of loans under this Community Improvement Plan for a sum of up to 1/2 of the outstanding loan principal of such loans for the purpose of paying for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the Community Improvement Plan. Where the loan is less than \$5,000., pursuant to section 2.6 of this by-law, such grant may be for a sum equal to the amount of the loan principal.
- 3.2 Grants may also be made to recipients of loans under this Community Improvement Plan to cover the cost of Building Permit fees, Committee of Adjustment Applications and/or property compliance reports payable to the City, where these costs are incurred in respect of rehabilitating such lands and buildings in conformity with the Community Improvement Plan.
- 3.3 Grants may be made to business landowners to cover all or a portion of the cost of decorative murals to be erected on their lands to rehabilitate their lands and buildings in conformity with the Community Improvement Plan.

3.4 Conditions of Grants

- (a) The following accounts of grant recipients must be in good standing, prior to payment of any grant, unless the recipient directs the City in writing to apply the grant towards the amounts owing on any such account:
 - (i) the commercial loan repayments and interest thereon;
 - (ii) realty taxes on the property being improved;
 - (iii) business taxes; and
 - (iv) B.I.A. Levy;

- (b) Grants are available to recipients of loans under this Community Improvement Plan for rehabilitating their lands and buildings within the Barton East #1 Business Improvement Area and the said Community Improvement Project Area;
- (c) The maximum grants available to an owner(s) for each deeded property of the owner(s) shall not exceed \$30,000.;
- (d) Grant instalments will be advanced from the City by the direct paying down of principal in a Commercial Loan Program borrowers' loan account in three (3) instalments, in the 15:15:20 ratio, as follows:
 - (i) 15% of the loan amount at the time of construction completion as recorded by a Building Department Inspector;
 - (ii) 15% of the original loan amount on the anniversary date of the first advance; and
 - (iii) 20% on the anniversary date of the second advance.

4.0 MURALS ON PRIVATE PROPERTY

- 4.1 The City may allocate up to \$20,000. annually to the Barton East #1 Business Improvement Area for mural projects within the B.I.A. Co-ordination of murals to be placed on private property will be the responsibility of the B.I.A.
- 4.2 Costs for co-ordination, wages and materials of murals are to be submitted to the City for approval along with the art itself, and City grants will be advanced monthly to the B.I.A. on a per cent of completion basis.

The Corporation of the City of Hamilton

BY-LAW NO. 95-
To Amend By-law No. 78-113

Respecting:

THE MAKING OF LOANS FOR REPAIRS TO RETAINING WALLS

WHEREAS pursuant to Section 31 of the Planning Act, R.S.O. 1990, Chapter P.13, By-law No. 78-113 was enacted on the 11th day of April, 1978 to prescribe standards for the maintenance and occupancy of property within the City of Hamilton;

AND WHEREAS section 32 of the said Act states,

32. (1) When a by-law under section 31 is in force in a municipality, the council of the municipality may pass a by-law for providing for the making of grants or loans to the registered owners or assessed owners of lands in respect of which a notice has been sent under subsection 31(6) to pay for the whole or any part of the cost of the repairs required to be done, or of the clearing, grading and levelling of the lands, on such terms and conditions as the council may prescribe.

(2) The amount of any loan made under a by-law passed under this section, together with interest at a rate to be determined by the council, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made.

(3) A certificate signed by the Clerk of the municipality setting out the amount loaned to any owner under a by-law passed under this section, including the rate of interest thereon, together with a description of the land in respect of which the loan has been made, sufficient for registration, shall be registered in the proper land registry office against the land, and, upon repayment in full to the municipality of the amount loaned and interest thereon, a certificate signed by the Clerk of the municipality showing such repayment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the loan was made is discharged;

AND WHEREAS the Council of The Corporation of the City of Hamilton on the 28th day of June 1994, in adopting Item 7 of the 10th Report of the Planning and Development Committee, authorized revisions to By-law No. 78-113;

AND WHEREAS the Council of The Corporation of the City of Hamilton on the 11th day of July 1995, in adopting Item 2 of the 5th Report of the Committee of the Whole, authorized further revisions to the said by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection (d) of Section 1 of By-law No. 78-113 is deleted and replaced with the following:

(d) "certificate" means a certificate under Subsection 3 of Section 32 of the Planning Act;

2. Subsection (h) of Section 1 of By-law No. 78-113 is deleted and replaced with the following:

(h) "department" means the Building Department of The Corporation of the City of Hamilton;

3. The following sections are hereby added to By-law No. 78-113:

PART II Retaining Walls

19. This Part applies only in respect of loans to pay for the whole or any part of the cost of repairs of retaining walls required to be done by Notice of Violation under the Property Standards By-Law, to bring retaining walls into compliance with the by-law.

20. (1) For the purposes of this Part II of the by-law, every owner who resides in a residential dwelling unit on land may apply for a loan to pay for the whole or part of the cost of repairs to a retaining wall on the owner's land which repairs are required to be done by the said Notice of Violation.

(2) The amount loaned may include the costs of the repairs, including engineer's site inspection costs, engineering, legal, survey, construction costs and loan application costs. The amount of the loan shall not exceed the actual cost of repairs required to be done under The Property Standards By-law, less any amounts obtained or obtainable by the owner under O.H.R.P. or R.R.A.P., or a similar programme, and in no case shall the amount exceed the maximum permitted loan.

(3) A loan administration fee of the greater of one and one-half per cent of the loan or \$200.00 is payable by the applicant.

21. (1) The owner may apply by filing with the department an application in form and content satisfactory to the department and verified by statutory declaration.

(2) The owner shall, at the time of making application or upon request of the department, furnish the department with information, verified by statutory declaration,

- (i) that the retaining wall requires repairs in accordance with The Property Standards By-law;
- (ii) that the owner is not in arrears of municipal property taxes;
- (iii) that the total debt service ratio of the applicant does not prevent the applicant from assuming the obligation to repay the loan to the City; and
- (iv) the amount of the loan and any other registered encumbrance in relation to the value of the property.

22. The owner shall, if required by the City, obtain engineering drawings in respect of the proposed repairs to the retaining walls and submit same with the loan application to the Building Department. The drawings shall be prepared by a Professional Engineer licensed to practice in Ontario and shall have affixed thereto the seal of the engineer.

23. (1) The owner shall give the City a promissory note on repayment of the loan.

(2) The loan shall be recorded on title to the property by a Certificate of Lien pursuant to subsection 32(3) of the Planning Act.

(3) Where the amount of the loan and other registered encumbrances exceed ninety per cent (90%) of the value of the property, the owner may, if necessary, in order to provide the required security, give the City a collateral mortgage on other property that meets the City's equity requirements, provided the owner's lawyer registers and certifies the mortgage to the City in a form satisfactory to the City Solicitor.

24. (1) Upon compliance with requirements of this by-law, the Building Department shall inspect the retaining wall for the purpose of ascertaining the proposed repairs eligible for a loan.

(2) A statement of eligible repairs shall be mailed by ordinary prepaid post to the applicant, or delivered to him.

(3) The maximum permitted loan is \$20,000.00 which shall be available for an initial term of not less than five years and for a maximum term of fifteen years, or such lesser term as Council may require. Interest shall be a 3% interest calculated semi-annually, not in advance, during the initial term and subsequently, if the loan is renewed by the City, interest shall be at a rate not exceeding the prime lending rate then available to the City as of the first of the month preceding the renewal date. The loan is open for repayment at any time without notice or bonus.

(4) The loan shall become due and payable to the City in the event of a sale of the land, unless the prospective purchaser meets the borrowing/equity requirements of the loan and agrees, in writing, in a form satisfactory to the City Solicitor, to assume the obligation to repay the loan.

25. Every loan approved by Council is subject to the terms required by Council in approving a particular loan, including the following minimum terms and conditions:

- (i) the owner is responsible for carrying out the repairs of the retaining wall, including selection of the contractor(s);
- (ii) the owner shall repay the loan in monthly payments of principal, together with interest;
- (iii) the balance of the loan outstanding, together with interest thereon, shall immediately become due and payable,
 - (a) in the event of a default of payment of either principal or interest, at such time as they were required to be paid; or
 - (b) in the event of a sale of the land, as of the date of the sale;
- (iv) the loan shall be advanced to the owner by the City Treasurer upon notification from the Building Department as repairs are carried out in accordance with the requirements of The Property Standards By-law. The loan shall be advanced by the City's cheque payable to the owner and the contractor and forwarded to the owner.

- (i) where the owner has not complied with the requirements of this by-law;
- (ii) unless the applicant satisfies the City that the applicant is the registered owner of the land;
- (iii) until the Planning and Development Committee and Council approve the loan; and
- (iv) except to the extent of funds as may be allocated for that purpose by Council from time to time.

27. In the event of default of any required payment for a period in excess of forty-five days, the Clerk is authorized to add the amount of the loan and accrued interest to the collector's roll in order that the loan and interest thereon may be collected in like manner as municipal taxes.

4. Except as amended herein, By-law No. 78-113 is hereby confirmed.

PASSED this day of 1995

CITY CLERK

MAYOR

(1994) 10 R.P.D.C. 7, June 28
(1995) 5 R.C.O.W. 2, July 11
File: 40-70/94.2

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Adopt:

Official Plan Amendment No. 131

Respecting:

**LANDS LOCATED AT MUNICIPAL NO. 121 AUGUSTA STREET
WITHIN THE CORKTOWN NEIGHBOURHOOD**

The Council of The Corporation of the City of Hamilton enacts as follows:

1. Amendment No. 131 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this

day of

A.D. 1995

CITY CLERK

MAYOR

(1995) 17 R.P.D.C. 4, August 29
Community Adolescent Network of Hamilton, Owner
ZAC-95-20

Amendment No. 131
to the
City of Hamilton Official Plan

The following text, together with Schedule B-1, attached hereto, constitute Official Plan Amendment No. 131.

Purpose:

The purpose of this Amendment is to establish a "Special Policy Area" within the "Residential" designation to permit general office uses within the existing structure.

Location:

The lands affected by this Amendment are for the property known municipally as No. 121 Augusta Street, within the Corktown Neighbourhood.

Basis:

The basis for permitting the proposal, general office uses within the existing structure, is as follows:

- 1) it is an adaptive re-use of an existing older industrial building which will improve its appearance within the neighbourhood;
- 2) the proposed use would be more compatible with the existing residential neighbourhood than the established non-conforming storage warehouse; and,
- 3) the change of use within the existing structure will not prejudice future development of the lands in accordance with the approved Corktown Neighbourhood Plan.

Actual Changes:

1. The following new policy be added to Subsection A.2.9.3 - Other Policy Areas as Policy A.2.9.3.64:

"In addition to the permitted uses set out in Subsection A.2.1 - Residential Uses, for those lands shown on Schedule "B-1" as SPECIAL POLICY AREA 69, and located at 121 Augusta Street, general office uses only within the existing building will be permitted."

2. The following be added to Schedule "B-1" - Other Special Policy Areas:

- Special Policy Area 69; and;
- "Area 69 refer to Policy A.2.9.3.64" in the legend, as shown on the attached Schedule "B-1" of this Amendment.

Implementation:

A Zoning By-law amendment will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. 95- , passed on the day of , 1995.

**The Corporation of the
City of Hamilton**

City Clerk

Mayor

MLT/

schedule B-1 amendment no. 131 to the official plan for the city of hamilton

legend

	<p>Special Policy Area 69 Refer to Policy A.2.9.3.64</p>
<p>date Sept. 1995</p>	<p>drawn by Z. K. reference file no. OPA 131</p>

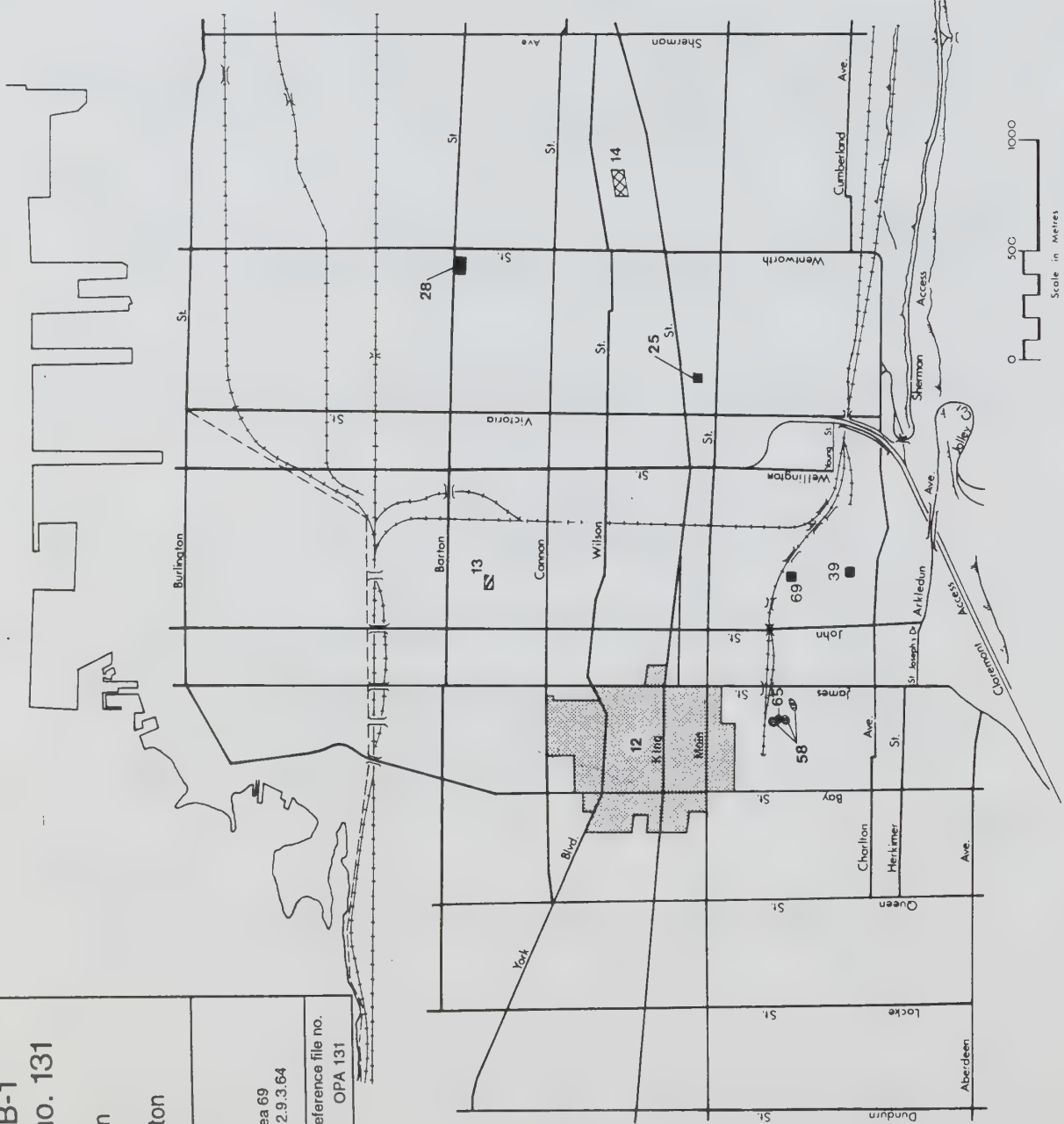
other special policy areas

legend

	<p>refer to policy A.2.9.3.10</p>
	<p>refer to policy A.2.9.3.11</p>
	<p>refer to policy A.2.9.3.12</p>
	<p>refer to policy A.2.9.3.20</p>
	<p>refer to policy A.2.9.3.23</p>
	<p>refer to policy A.2.9.3.34</p>
	<p>refer to policy A.2.9.3.53</p>
	<p>refer to policy A.2.9.3.60</p>

schedule B-1

to the official plan
for
the city of hamilton
February, 1994



The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend:

Zoning By-law No. 6593

Respecting:

**LAND LOCATED AT THE REAR OF MUNICIPAL NO.
914 UPPER JAMES STREET FRONTING ONTO CALEDON AVENUE**

WHEREAS it is intended to change the zoning of the land hereinafter referred to and to establish a special requirement under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-9 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street-Townhouse) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "RT-30" (Street-Townhouse) District provisions, as contained in Section 10F of Zoning By-law No. 6593, applicable to the land referred to in section 1, are amended to the extent only of the special requirement that,

- (a) notwithstanding Section 10F.(4)(c) of By-law No. 6593, a side yard of a width of not less than 1.2 m shall be provided and maintained along the entire southerly lot line.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "RT-30" District provisions, subject to the special requirement referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1344.

5. Sheet No. W-9 of the District Maps is amended by marking the land referred to in section 1 of this by-law, S-1344.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of

A.D. 1995

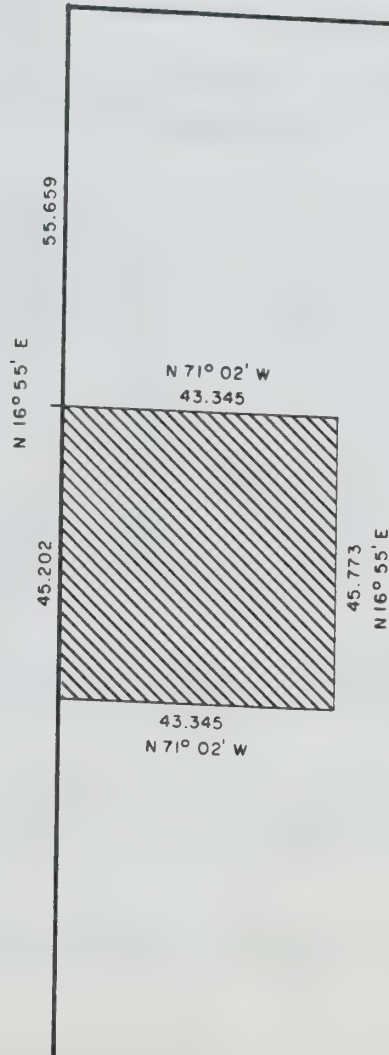
CITY CLERK

MAYOR

(1995) 17 R.P.D.C. 3, August 29
(1995) 19 R.P.D.C. , October 10
Madan Gopal Sharma, Owner
ZAC-95-17

LOTUS AVENUE

CALEDON AVENUE



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 95-.....
Passed the day of, 1995.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 95-.....
to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in zoning from:



"C" (Urban Protected Residential,
etc.) District to "RT-30" (Street -
Townhouse) District, modified.

North



Scale
Not to Scale

Date
SEPTEMBER 1995

Reference File No.
ZAC-95-17

Drawn By
Z.K.

THE CORPORATION OF THE CITY OF HAMILTON**BY-LAW NO.95-****TO AUTHORIZE AN EXTENSION AGREEMENT****FOR PAYMENT OF REALTY TAX ARREARS**

WHEREAS the Municipal Tax Sales Act, R.S.O. 1990, c.M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

AND WHEREAS the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

AND WHEREAS, pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

AND WHEREAS, the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

AND WHEREAS, The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

AND WHEREAS the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date of Schedule "A" attached hereto.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.

(b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and City Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.
2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

- (a) that the Extension Agreement does not reduce the amount of the Cancellation Price.
 - (b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.
 - (c) that any person may pay the Cancellation Price at any time.
 - (d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.
 - (e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement.
3. As also provided in the Municipal Tax Sales Act,
- (a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.
 - (b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

PASSED this day of 1995, A.D.,

CITY CLERK

MAYOR

SCHEDULE "A"
EXTENSION AGREEMENTS

A)	PROPERTY ADDRESS	386 BARTON EAST
	SERIAL NUMBER	03 02150 1030
	BRIEF LEGAL DESCRIPTION	PLAN 234 PART LOT 4, RP62R2189 PART 1
	DATE OF REGISTRATION	AUGUST 29, 1995
	INST # OF TAX ARREARS CERTIFICATE	VM216214
	REDEMPTION DATE	AUGUST 29, 1996
	TOTAL ARREARS	\$15,963.57
B)	PROPERTY ADDRESS	178 BARONS NORTH
	SERIAL NUMBER	04 03320 1930
	BRIEF LEGAL DESCRIPTION	PLAN 613 LOT 194
	DATE OF REGISTRATION	SEPTEMBER 12, 1995
	INST # OF TAX ARREARS CERTIFICATE	VM217189
	REDEMPTION DATE	SEPTEMBER 12, 1996
	TOTAL ARREARS	\$13,717.40

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend:

Licensing By-law No. 95-173

Respecting:

ADULT VIDEO STORES

WHEREAS BY-LAW 95-173 was recently enacted, which by-law was intended to repeal and replace BY-LAW 93-045 pursuant to the approval of Council of Item 21 of the 18th Report of the Finance and Administration Committee, adopted by Council on July 11, 1995;

AND WHEREAS through typographical error BY-LAW 95-173 referred to "BY-LAW 93-069" instead of BY-LAW 93-045, and Council directs that corrections be made;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The references to "93-069" in the recitals and in subsection 29(3) of By-law 95-173 are repealed and replaced with "93-045".
2. By-law No. 93-069 as amended, as it existed on August 29, 1995, is confirmed not to have been repealed and remains in full force and effect.
3. In all other respects By-law No. 95-173 as amended, is hereby confirmed without change.

PASSED this day of A.D. 1995.

City Clerk

Mayor

BY-LAW NO. 95 -

**TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF
THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 10TH DAY OF
OCTOBER A.D., 1995.**

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 10th day of October A.D. 1995

CITY CLERK

MAYOR

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1995 OCTOBER 10
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL**

B I L L S

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 95-

To Authorize:

1. The construction as a local improvement an independent concrete curb on the south side of Glenfern Avenue from Mountain Avenue to approximately 32m easterly (flankage of 61 Mountain Avenue), (as described in Schedule "A") upon the petition of the abutting owners pursuant to section 11 of The Local Improvement Act;
2. The imposition of a special assessment upon the lands of the abutting owners in respect of the abutting owners' portion of the cost of the works;
3. The preparation of plans, specifications and reports and the supervision of construction of the said works by the Commissioner of Public Works and Traffic.

WHEREAS a petition for the works hereinafter described to be constructed as local improvements has been lodged with the Clerk pursuant to sections 7 and 11 of the Local Improvement Act, R.S.O. 1990, c.L26;

AND WHEREAS at least two thirds of the owners directly abutting the proposed works, representing at least one-half of the value of the lots liable to be specially assessed, have signed and lodged the said petition with the Clerk for presentation to Council for the City to undertake the said works as local improvements;

AND WHEREAS the City Clerk has, as required by the Local Improvement Act, issued his certificate that the said petition sufficiently meets the minimum requirements of the Local Improvement Act;

AND WHEREAS when Council is presented with a sufficiently signed petition for a work, The Local Improvement Act provides that Council may pass a by-law to undertake the works as a local improvement;

AND WHEREAS the Council of The Corporation of the City of Hamilton did decide (in adopting Item 3 of the 10th Report of the Transport & Environment Committee on August 29, 1995) to authorize preparation of this by-law because it is expedient to undertake the works hereinafter described as local improvements pursuant to the petition received from the abutting owners;

AND WHEREAS the Council of The Corporation of the City of Hamilton did adopt Item 14 of the 19th Report of the Finance & Administration Committee on August 29, 1995 to authorize that the Corporation's portion of the cost of the proposed works be paid out of current revenues;

AND WHEREAS the Council has obtained reports, estimates and statements required for the undertaking of the said works;

AND WHEREAS the Council of The Corporation of the City of Hamilton intends to raise the Corporation's portion of the cost of the works out of its current revenues and, pending payment in full by the abutting owners of the special assessment provided for below, to finance the abutting owners' portion of the costs by borrowing such funds, through the Region's issuance of debentures;

AND WHEREAS the Regional Municipalities Act, (R.S.O. 1990, c.R.8,sec.11) provides that "no area municipality has power to issue debentures", and that Regional Council may borrow money for the purposes of any area municipality;

AND WHEREAS the Ontario Municipal Board Act, (R.S.O.1990,c.O.28,sec.65), states that a municipality shall not authorize any work the cost of which is to be raised in a subsequent year or years until the approval of the Board has first been obtained.

AND WHEREAS the Local Improvement Act (sec.53(7)) states that the amount of monies borrowed to respect of the abutting owners' portion of the cost of the works "...shall not be deemed to be part of the existing debenture debt of the Corporation within the meaning of the provisions of the Municipal Act limiting the borrowing powers of the municipality";

AND WHEREAS Ontario Regulation 710/92 prescribed pursuant to the Municipal Act, (R.S.O.1990,c.M.45), establishes a limit for the City of Hamilton's debt obligations which do not require approval of the Ontario Municipal Board;

AND WHEREAS the financial commitments, liabilities and debts of the local improvements works listed herein, being financed by debentures to be issued by the Region on behalf of the City, together with the City of Hamilton's other financial obligations and debts, do not exceed the City's maximum permitted debt and financial obligation limit prescribed by Ontario Regulation 710/92 and therefore, approval of the Ontario Municipal Board to issuance of debentures by the Region hereinafter described is not required;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The construction of the following described works may be proceeded with under The Local Improvement Act, at an estimated cost not to exceed \$2,900.00.

The construction of an independent concrete curb on the south side of Glenfern Avenue from Mountain Avenue to approximately 32m easterly (flankage of 61 Mountain Avenue) at the cost not exceeding those set out below:

City's portion of the cost	\$2,263.00
Owners' portion of the cost	<u>637.00</u>
Total Estimated cost of the works	<u>\$2,900.00</u>
Estimated Cost per metre frontage payable by the abutting owners in Fifteen (15) annual instalments	
	\$ 72.00

2. The portion of the estimated costs of the said works in the amount of \$637.00 shall be borne by the owners of the lands abutting directly on the works and the said estimated cost per metre shall be rated and specially assessed upon the lots abutting directly on the works, according to the extent of their respective frontages therein, by an equal special rate per metre of such frontage payable in annual instalments until fully paid.

3. Pending payment of the abutting owners' portion of the costs referred to in Section 2, the said portion shall be financed by the issue of debentures (subject to the terms listed below) by The Regional Municipality of Hamilton-Wentworth on behalf of the City of Hamilton;
 - (a) to the extent sufficient to provide an amount not exceeding \$637.00, and,
 - (b) repayable over a term not exceeding twenty (20) years, chargeable to The Corporation of the City of Hamilton.
4. The Commissioner of Public Works and Traffic is hereby authorized to:
 - (a) prepare all necessary plans, specifications and reports required for the construction of the works; and,
 - (b) supervise construction of the works.
5. The Mayor and City Clerk are hereby authorized to execute, on behalf of The Corporation of the City, all contracts necessary for the construction of the works.

PASSED this day of ,A.D. 1995.

CITY CLERK

MAYOR

(1995) 10 R.T.E.C.3, August 29
 (1995) 19 R.F.A.C.14, August 29

SCHEDULE "A"

The construction of an independent concrete curb on the south side of Glenfern Avenue from Mountain Avenue to approximately 32m easterly (flankage of 61 Mountain Avenue) at the costs not exceeding those set out below:

City's Share	\$2,263.00
Owners' Share	<u>637.00</u>
TOTAL ESTIMATED COST	<u>\$2,900.00</u>
Estimated Cost per metre frontage	\$72.00
Fifteen (15) annual instalments	

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAWNO. 95-

TO INCORPORATE CITY LAND
DESIGNATED AS PART 1, PLAN 62R-13532
INTO BORDEAUX COURT

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate a portion of the highway known as Bordeaux Court within its limits, the land described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Bordeaux Court.

Part Block 16, Plan 62M-664, designated as Part 1, on Plan 62R-13532.

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open as public highway the said lands.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this

day of

A.D. 1995

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAWNO. 95-

**TO INCORPORATE CITY LAND
DESIGNATED AS BLOCK 69, PLAN 62M-747
INTO UPPER PARADISE ROAD**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate a portion of the highway known as Upper Paradise Road within its limits, the land described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Upper Paradise Road.

All Block 69, Plan 62M-747.

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open as public highway the said lands.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

4. By-Law 95-153 is hereby rescinded.

PASSED this

day of

A.D. 1995

City Clerk

Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend By-law No. 88-12

To Revise:

THE BARTON GENERAL COMMUNITY IMPROVEMENT PLAN

WHEREAS Section 1 of By-law No. 88-11, passed on the 12th day of January 1988, designated the area described in Schedule "A", and shown on Schedule "B" thereto, as a community improvement project area, known as the "Barton General Community Improvement Project Area" in accordance with subsection 28(2) of the Planning Act, 1983, now R.S.O. 1990, Chapter P.13;

AND WHEREAS By-law No. 88-12, passed on 12th day January 1988, adopted The Barton General Community Improvement Plan which includes provisions regarding the rehabilitation and renewal of the said Community Improvement Project Area;

AND WHEREAS the Council of The Corporation of the City of Hamilton, at its meeting held on the 27th day of June 1995, (Item 8, 15th Report, Planning and Development Committee), authorized revisions to the said Barton General Community Improvement Plan;

AND WHEREAS the Council of The Corporation of the City of Hamilton, at its meeting held on the 29th day of August 1995, (Item 20, 17th Report, Planning and Development Committee), authorized further revisions to the said Community Improvement Plan;

AND WHEREAS subsection 28(7) of the Planning Act, states:

"(7) For the purpose of carrying out the community improvement plan, the municipality may make grants or loans to the registered owners or assessed owners of lands and buildings within the community improvement project area to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the community improvement plan.";

AND WHEREAS the Building Department has held a public meeting on the 2nd day of August 1995 and taken other steps required by the Planning Act [subsection 28(4)] prior to the enactment of this by-law to amend the Barton General Community Improvement Plan;

AND WHEREAS it is intended to revise the said Community Improvement Plan for the said area with the following provisions;

AND WHEREAS by By-law No. 87-178 the Barton East #1 Business Improvement Area was designated by Council and for the said Area, Council has by By-law No. 87-308, as amended, established a corporation, the Board of Management for the Barton East #1 Business Improvement Area.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The amendments to the Barton General Community Improvement Plan hereto annexed as Schedule "A" and forming part of this by-law, are hereby adopted.
2. The City Solicitor is hereby authorized and directed to make application to the Minister of Housing and Municipal Affairs,
 - (a) for approval, as required by subsection 28(2) of the Planning Act, to this amending by-law adopting these amendments to the Barton General Community Improvement Plan;
 - (b) for approval, as required by subsection 28(8) of the community improvement provisions of the Planning Act, to be granted to the City by the Minister to permit the City to make the grants and offer the other assistance provided for in the Barton General Community Improvement Plan, as amended by this amending by-law, that would otherwise be bonuses prohibited by subsection 111(1) of the Municipal Act.
3. This by-law shall come into force and effect on or after the date the Minister grants the said two approvals.

PASSED this day of

A.D. 1995

CITY CLERK

MAYOR

(1995) 15 R.P.D.C. 8, June 27
(1995) 17 R.P.D.C. 20, August 29

SCHEDULE "A"

TO BY-LAW NO. 95-

The Barton General Community Improvement Plan is amended by the following additional provisions, which additional provisions shall prevail in the event of any conflict with the terms of the original Plan.

1.0 GENERAL

For the purpose of carrying out the Barton General Community Improvement Plan, the City of Hamilton may make grants and loans to the registered owners or assessed owners of lands and buildings within the said Community Improvement Project Area to pay for the whole or any part of the cost of the community improvement of any such lands, including the cost of rehabilitating such lands and buildings in conformity with the said Community Improvement Plan and upon the following additional terms and conditions.

Grants and loans are available only to the extent of funds allocated from time to time for those purposes by the Council of The Corporation of the City of Hamilton.

2.0 REVISED LOAN GUIDELINES

- 2.1 Upon receipt of a satisfactory application which meets the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years at an interest rate of one half of the City's prime borrowing rate, amortized for a maximum period of ten years (open).
- 2.2 These loans are solely intended for the owners of lands within the said designated Community Improvement Project Area where the owner's lands are used for non-residential purposes which, in the opinion of the City,
 - (a) are intended for the eligible improvements and expenses contemplated in the said Plan as amended herein;
 - (b) fulfil the objectives of the City expressed in the Barton General Community Improvement Plan, as amended herein;
 - (c) meet the security/equity and other requirements of the City specified herein.
- 2.3 While businesses which are tenants are not, according to the Planning Act, eligible for loans and grants provided for in the said Plan as amended herein, loans to eligible property owners for improvements which will also benefit business tenants are provided for in this Plan.
- 2.4 Loans may be made to an owner of a non-residential property not exceeding the sum of \$15,000. in respect of the cost of eligible facade and exterior renovations to each separate location of the owner's property specially assessed or specially assessable for a levy payable to the Barton East #1 Business Improvement Area. These loans are subject to a maximum limit of \$45,000. for each deeded property of the owner.
- 2.5 Loans may be made to an owner of a non-residential property not exceeding the sum of \$10,000. in respect of the cost of eligible interior improvements to each separate location of the owner or of a tenant under lease from the owner, specially assessed or specially assessable for a levy payable to the Barton East #1 Business Improvement Area, subject to,
 - (a) the tenant accepting in writing the proposed interior improvements; and
 - (b) a loan maximum of \$30,000. for each deeded property of the owner.

- 2.6 Loans may be made to an owner of a non-residential property not exceeding the sum of \$5,000. in respect of the cost of eligible exterior and facade improvements and to repair deficiencies in compliance with health, safety or property standards. This loan is in the discretion of Council and where approved, may be concurrent with or in addition to the maximum permitted loans specified in sections 2.4 and 2.5. This loan shall be unsecured and not registered on title. Section 2.10 (b) and (c) shall not apply to this loan.

Where this community improvement loan is the subject of a grant provided for in section 3 of this by-law, the grant to the owner to pay down the principal of this loan shall not exceed \$2,500. and shall be advanced as follows:

- (a) \$1,500. as of the completion of construction as confirmed by the Building Department; and
 - (b) \$1,000., (or the balance of the grant), one year following the first advance;
 - (c) Section 3.4 (d) on advancement of section 3 grants shall not apply.
- 2.7 Loans may be for the following types of improvements and their related expenses:
- exterior building envelope;
 - major building systems, including roof, wiring, plumbing, heating;
 - interior fixtures, including partitions;
 - interior decorating, including lighting, painting, wallpaper, etc.;
 - built-in showcases, freezers, special plumbing, etc.;
 - exterior/interior signage;
 - related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or \$200.;
 - such other loan program administrative fees fixed by Council from time to time.

Loans shall be advanced only in respect of completed work which has been inspected by the City.

Loans may not be made for the following expenses: Chattels, such as tables, chairs, cash registers or rental and owner occupied residential accommodation.

- 2.8 The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department. Deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage, etc.).
- 2.9 The owner will obtain two estimates for building envelope based on inspection, and two estimates for facade improvements proposed by owner. (The Building Department will examine the estimates based on their inspection.). A report prepared by the Housing and Loans Division of the Building Department, (including the recommendation of the Board of Management of the B.I.A.) on each loan will be made to the Planning and Development Committee and Council for approval.
- 2.10 As security for repayment of the loan to the City, the borrowing owner shall:
- (a) give the City a promissory note and, if a limited company, the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the corporate borrower to borrow the loan and give the loan security to the City;

- (b) permit a City Lien to be registered on title to the property being improved in which property the owner must have at least 20% equity to provide security for the loan, after covering outstanding property encumbrances, including the amount of the City's loan;
 - (c) where the owner has less than 20% equity in the property being improved,
 - (i) the owner may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City the collateral mortgage; or
 - (ii) the owner may provide the City with a guarantee from another person, provided the guarantee is secured by a mortgage on the Guarantor's property that meets the City's equity requirements and the Guarantor's lawyer prepares and certifies the guarantee and the collateral mortgage to the City in a form satisfactory to the City Solicitor;
 - (d) keep in good standing business, realty and B.I.A. levies.
- 2.11 Upon sale of a security property, the loan becomes due and payable in full to the City, unless the new owner meets the lending criteria and assumes the original terms and conditions of the loan.
- 2.12 Repayment of loans to the City shall be monthly but open to full repayment at any time without notice or penalty.

3.0 GRANT GUIDELINES

- 3.1 Grants may be made to recipients of loans under this Community Improvement Plan for a sum of up to 1/2 of the outstanding loan principal of such loans for the purpose of paying for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the Community Improvement Plan. Where the loan is less than \$5,000., pursuant to section 2.6 of this by-law, such grant may be for a sum equal to the amount of the loan principal.
- 3.2 Grants may also be made to recipients of loans under this Community Improvement Plan to cover the cost of Building Permit fees, Committee of Adjustment Applications and/or property compliance reports payable to the City, where these costs are incurred in respect of rehabilitating such lands and buildings in conformity with the Community Improvement Plan.
- 3.3 Grants may be made to business landowners to cover all or a portion of the cost of decorative murals to be erected on their lands to rehabilitate their lands and buildings in conformity with the Community Improvement Plan.
- 3.4 Conditions of Grants
- (a) The following accounts of grant recipients must be in good standing, prior to payment of any grant, unless the recipient directs the City in writing to apply the grant towards the amounts owing on any such account:
 - (i) the commercial loan repayments and interest thereon;
 - (ii) realty taxes on the property being improved;
 - (iii) business taxes; and
 - (iv) B.I.A. Levy;

- (b) Grants are available to recipients of loans under this Community Improvement Plan for rehabilitating their lands and buildings within the Barton East #1 Business Improvement Area and the said Community Improvement Project Area;
- (c) The maximum grants available to an owner(s) for each deeded property of the owner(s) shall not exceed \$30,000.;
- (d) Grant instalments will be advanced from the City by the direct paying down of principal in a Commercial Loan Program borrowers' loan account in three (3) instalments, in the 15:15:20 ratio, as follows:
 - (i) 15% of the loan amount at the time of construction completion as recorded by a Building Department Inspector;
 - (ii) 15% of the original loan amount on the anniversary date of the first advance; and
 - (iii) 20% on the anniversary date of the second advance.

4.0 MURALS ON PRIVATE PROPERTY

- 4.1 The City may allocate up to \$20,000. annually to the Barton East #1 Business Improvement Area for mural projects within the B.I.A. Co-ordination of murals to be placed on private property will be the responsibility of the B.I.A.
- 4.2 Costs for co-ordination, wages and materials of murals are to be submitted to the City for approval along with the art itself, and City grants will be advanced monthly to the B.I.A. on a per cent of completion basis.

The Corporation of the City of Hamilton

BY-LAW NO. 95-
To Amend By-law No. 78-113

Respecting:

THE MAKING OF LOANS FOR REPAIRS TO RETAINING WALLS

WHEREAS pursuant to Section 31 of the Planning Act, R.S.O. 1990, Chapter P.13, By-law No. 78-113 was enacted on the 11th day of April, 1978 to prescribe standards for the maintenance and occupancy of property within the City of Hamilton;

AND WHEREAS section 32 of the said Act states,

32. (1) When a by-law under section 31 is in force in a municipality, the council of the municipality may pass a by-law for providing for the making of grants or loans to the registered owners or assessed owners of lands in respect of which a notice has been sent under subsection 31(6) to pay for the whole or any part of the cost of the repairs required to be done, or of the clearing, grading and levelling of the lands, on such terms and conditions as the council may prescribe.

(2) The amount of any loan made under a by-law passed under this section, together with interest at a rate to be determined by the council, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made.

(3) A certificate signed by the Clerk of the municipality setting out the amount loaned to any owner under a by-law passed under this section, including the rate of interest thereon, together with a description of the land in respect of which the loan has been made, sufficient for registration, shall be registered in the proper land registry office against the land, and, upon repayment in full to the municipality of the amount loaned and interest thereon, a certificate signed by the Clerk of the municipality showing such repayment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the loan was made is discharged;

AND WHEREAS the Council of The Corporation of the City of Hamilton on the 28th day of June 1994, in adopting Item 7 of the 10th Report of the Planning and Development Committee, authorized revisions to By-law No. 78-113;

AND WHEREAS the Council of The Corporation of the City of Hamilton on the 11th day of July 1995, in adopting Item 2 of the 5th Report of the Committee of the Whole, authorized further revisions to the said by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection (d) of Section 1 of By-law No. 78-113 is deleted and replaced with the following:

(d) "certificate" means a certificate under Subsection 3 of Section 32 of the Planning Act;

2. Subsection (h) of Section 1 of By-law No. 78-113 is deleted and replaced with the following:

(h) "department" means the Building Department of The Corporation of the City of Hamilton;

3. The following sections are hereby added to By-law No. 78-113:

PART II Retaining Walls

19. This Part applies only in respect of loans to pay for the whole or any part of the cost of repairs of retaining walls required to be done by Notice of Violation under the Property Standards By-Law, to bring retaining walls into compliance with the by-law.

20. (1) For the purposes of this Part II of the by-law, every owner who resides in a residential dwelling unit on land may apply for a loan to pay for the whole or part of the cost of repairs to a retaining wall on the owner's land which repairs are required to be done by the said Notice of Violation.

(2) The amount loaned may include the costs of the repairs, including engineer's site inspection costs, engineering, legal, survey, construction costs and loan application costs. The amount of the loan shall not exceed the actual cost of repairs required to be done under The Property Standards By-law, less any amounts obtained or obtainable by the owner under O.H.R.P. or R.R.A.P., or a similar programme, and in no case shall the amount exceed the maximum permitted loan.

(3) A loan administration fee of the greater of one and one-half per cent of the loan or \$200.00 is payable by the applicant.

21. (1) The owner may apply by filing with the department an application in form and content satisfactory to the department and verified by statutory declaration.

(2) The owner shall, at the time of making application or upon request of the department, furnish the department with information, verified by statutory declaration,

- (i) that the retaining wall requires repairs in accordance with The Property Standards By-law;
- (ii) that the owner is not in arrears of municipal property taxes;
- (iii) that the total debt service ratio of the applicant does not prevent the applicant from assuming the obligation to repay the loan to the City; and
- (iv) the amount of the loan and any other registered encumbrance in relation to the value of the property.

22. The owner shall, if required by the City, obtain engineering drawings in respect of the proposed repairs to the retaining walls and submit same with the loan application to the Building Department. The drawings shall be prepared by a Professional Engineer licensed to practice in Ontario and shall have affixed thereto the seal of the engineer.

23. (1) The owner shall give the City a promissory note on repayment of the loan.

(2) The loan shall be recorded on title to the property by a Certificate of Lien pursuant to subsection 32(3) of the Planning Act.

(3) Where the amount of the loan and other registered encumbrances exceed ninety per cent (90%) of the value of the property, the owner may, if necessary, in order to provide the required security, give the City a collateral mortgage on other property that meets the City's equity requirements, provided the owner's lawyer registers and certifies the mortgage to the City in a form satisfactory to the City Solicitor.

24. (1) Upon compliance with requirements of this by-law, the Building Department shall inspect the retaining wall for the purpose of ascertaining the proposed repairs eligible for a loan.

(2) A statement of eligible repairs shall be mailed by ordinary prepaid post to the applicant, or delivered to him.

(3) The maximum permitted loan is \$20,000.00 which shall be available for an initial term of not less than five years and for a maximum term of fifteen years, or such lesser term as Council may require. Interest shall be a 3% interest calculated semi-annually, not in advance, during the initial term and subsequently, if the loan is renewed by the City, interest shall be at a rate not exceeding the prime lending rate then available to the City as of the first of the month preceding the renewal date. The loan is open for repayment at any time without notice or bonus.

(4) The loan shall become due and payable to the City in the event of a sale of the land, unless the prospective purchaser meets the borrowing/equity requirements of the loan and agrees, in writing, in a form satisfactory to the City Solicitor, to assume the obligation to repay the loan.

25. Every loan approved by Council is subject to the terms required by Council in approving a particular loan, including the following minimum terms and conditions:

- (i) the owner is responsible for carrying out the repairs of the retaining wall, including selection of the contractor(s);
- (ii) the owner shall repay the loan in monthly payments of principal, together with interest;
- (iii) the balance of the loan outstanding, together with interest thereon, shall immediately become due and payable,
 - (a) in the event of a default of payment of either principal or interest, at such time as they were required to be paid; or
 - (b) in the event of a sale of the land, as of the date of the sale;
- (iv) the loan shall be advanced to the owner by the City Treasurer upon notification from the Building Department as repairs are carried out in accordance with the requirements of The Property Standards By-law. The loan shall be advanced by the City's cheque payable to the owner and the contractor and forwarded to the owner.

26. No loan shall be made,

- (i) where the owner has not complied with the requirements of this by-law;
- (ii) unless the applicant satisfies the City that the applicant is the registered owner of the land;
- (iii) until the Planning and Development Committee and Council approve the loan; and
- (iv) except to the extent of funds as may be allocated for that purpose by Council from time to time.

27. In the event of default of any required payment for a period in excess of forty-five days, the Clerk is authorized to add the amount of the loan and accrued interest to the collector's roll in order that the loan and interest thereon may be collected in like manner as municipal taxes.

4. Except as amended herein, By-law No. 78-113 is hereby confirmed.

PASSED this day of 1995

CITY CLERK

MAYOR

(1994) 10 R.P.D.C. 7, June 28
(1995) 5 R.C.O.W. 2, July 11
File: 40-70/94.2

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Adopt:

Official Plan Amendment No. 131

Respecting:

**LANDS LOCATED AT MUNICIPAL NO. 121 AUGUSTA STREET
WITHIN THE CORKTOWN NEIGHBOURHOOD**

The Council of The Corporation of the City of Hamilton enacts as follows:

1. Amendment No. 131 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this

day of

A.D. 1995

CITY CLERK

MAYOR

(1995) 17 R.P.D.C. 4, August 29
Community Adolescent Network of Hamilton, Owner
ZAC-95-20

Amendment No. 131
to the
City of Hamilton Official Plan

The following text, together with Schedule B-1, attached hereto, constitute Official Plan Amendment No. 131.

Purpose:

The purpose of this Amendment is to establish a "Special Policy Area" within the "Residential" designation to permit general office uses within the existing structure.

Location:

The lands affected by this Amendment are for the property known municipally as No. 121 Augusta Street, within the Corktown Neighbourhood.

Basis:

The basis for permitting the proposal, general office uses within the existing structure, is as follows:

- 1) it is an adaptive re-use of an existing older industrial building which will improve its appearance within the neighbourhood;
- 2) the proposed use would be more compatible with the existing residential neighbourhood than the established non-conforming storage warehouse; and,
- 3) the change of use within the existing structure will not prejudice future development of the lands in accordance with the approved Corktown Neighbourhood Plan.

Actual Changes:

1. The following new policy be added to Subsection A.2.9.3 - Other Policy Areas as Policy A.2.9.3.64:

"In addition to the permitted uses set out in Subsection A.2.1 - Residential Uses, for those lands shown on Schedule "B-1" as SPECIAL POLICY AREA 69, and located at 121 Augusta Street, general office uses only within the existing building will be permitted."

2. The following be added to Schedule "B-1" - Other Special Policy Areas:

- Special Policy Area 69; and;
- "Area 69 refer to Policy A.2.9.3.64" in the legend, as shown on the attached Schedule "B-1" of this Amendment.

Implementation:

A Zoning By-law amendment will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. 95- , passed on the day of , 1995.

**The Corporation of the
City of Hamilton**

City Clerk

Mayor

MLT/

schedule B-1 amendment no. 131 to the official plan for the city of hamilton

legend

Special Policy Area 69
Refer to Policy A.2.9.3.64

date	drawn by	reference file no.
Sept. 1995	Z. K.	OPA 131

other special
policy areas

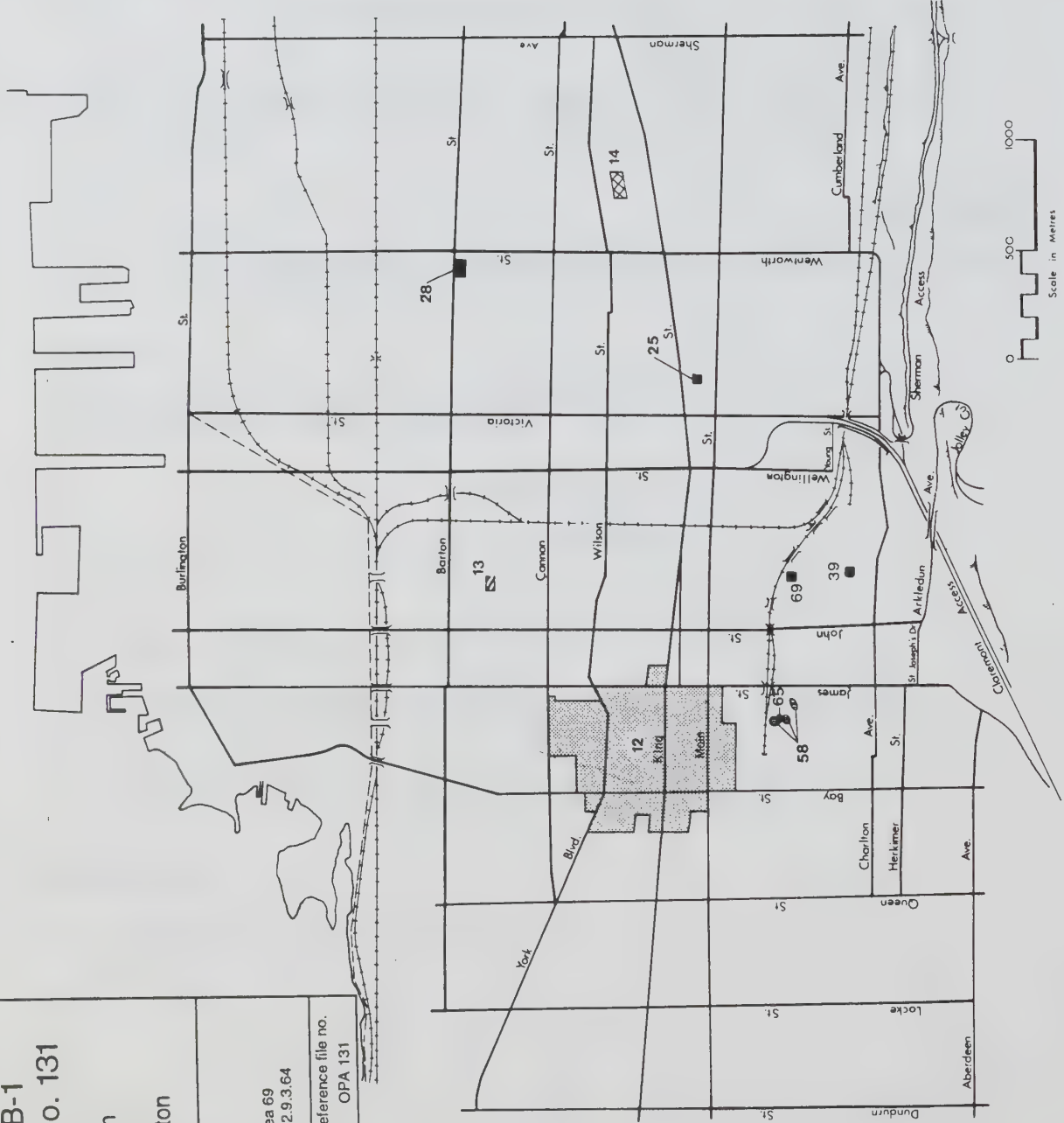
legend

12	refer to policy A.2.9.3.10
13	refer to policy A.2.9.3.11
14	refer to policy A.2.9.3.12

25	refer to policy A.2.9.3.20
28	refer to policy A.2.9.3.23
39	refer to policy A.2.9.3.34
58	refer to policy A.2.9.3.53
65	refer to policy A.2.9.3.60

schedule B-1

to the official plan
for
the city of hamilton
February, 1994



The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend:

Zoning By-law No. 6593

Respecting:

**LAND LOCATED AT THE REAR OF MUNICIPAL NO.
914 UPPER JAMES STREET FRONTING ONTO CALEDON AVENUE**

WHEREAS it is intended to change the zoning of the land hereinafter referred to and to establish a special requirement under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-9 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street-Townhouse) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "RT-30" (Street-Townhouse) District provisions, as contained in Section 10F of Zoning By-law No. 6593, applicable to the land referred to in section 1, are amended to the extent only of the special requirement that,

- (a) notwithstanding Section 10F.(4)(c) of By-law No. 6593, a side yard of a width of not less than 1.2 m shall be provided and maintained along the entire southerly lot line.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "RT-30" District provisions, subject to the special requirement referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1344.

5. Sheet No. W-9 of the District Maps is amended by marking the land referred to in section 1 of this by-law, S-1344.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of

A.D. 1995

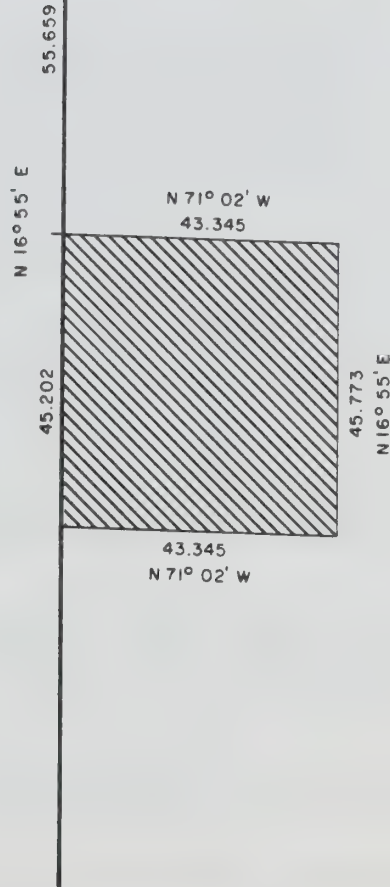
CITY CLERK

MAYOR

(1995) 17 R.P.D.C. 3, August 29
(1995) 19 R.P.D.C. , October 10
Madan Gopal Sharma, Owner
ZAC-95-17

LOTUS AVENUE

CALEDON AVENUE



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 95-.....
Passed the day of, 1995.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 95-.....
to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in zoning from:



"C" (Urban Protected Residential,
etc.) District to "RT-30" (Street -
Townhouse) District, modified.

North



Scale
Not to Scale

Date
SEPTEMBER 1995

Reference File No.
ZAC-95-17

Drawn By
Z.K.

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO.95-

TO AUTHORIZE AN EXTENSION AGREEMENT

FOR PAYMENT OF REALTY TAX ARREARS

WHEREAS the Municipal Tax Sales Act, R.S.O. 1990, c.M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

AND WHEREAS the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

AND WHEREAS, pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

AND WHEREAS, the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

AND WHEREAS, The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

AND WHEREAS the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date of Schedule "A" attached hereto.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.
- (b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and City Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.
2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

- (a) that the Extension Agreement does not reduce the amount of the Cancellation Price.
 - (b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.
 - (c) that any person may pay the Cancellation Price at any time.
 - (d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.
 - (e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement.
3. As also provided in the Municipal Tax Sales Act,
- (a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.
 - (b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

PASSED this day of 1995, A.D.,

CITY CLERK

MAYOR

SCHEDULE "A"
EXTENSION AGREEMENTS

A)	PROPERTY ADDRESS	386 BARTON EAST
	SERIAL NUMBER	03 02150 1030
	BRIEF LEGAL DESCRIPTION	PLAN 234 PART LOT 4, RP62R2189 PART 1
	DATE OF REGISTRATION	AUGUST 29, 1995
	INST # OF TAX ARREARS CERTIFICATE	VM216214
	REDEMPTION DATE	AUGUST 29, 1996
	TOTAL ARREARS	\$15,963.57
B)	PROPERTY ADDRESS	178 BARONS NORTH
	SERIAL NUMBER	04 03320 1930
	BRIEF LEGAL DESCRIPTION	PLAN 613 LOT 194
	DATE OF REGISTRATION	SEPTEMBER 12, 1995
	INST # OF TAX ARREARS CERTIFICATE	VM217189
	REDEMPTION DATE	SEPTEMBER 12, 1996
	TOTAL ARREARS	\$13,717.40

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend:

Licensing By-law No. 95-173

Respecting:

ADULT VIDEO STORES

WHEREAS BY-LAW 95-173 was recently enacted, which by-law was intended to repeal and replace BY-LAW 93-045 pursuant to the approval of Council of Item 21 of the 18th Report of the Finance and Administration Committee, adopted by Council on July 11, 1995;

AND WHEREAS through typographical error BY-LAW 95-173 referred to "BY-LAW 93-069" instead of BY-LAW 93-045, and Council directs that corrections be made;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The references to "93-069" in the recitals and in subsection 29(3) of By-law 95-173 are repealed and replaced with "93-045".
2. By-law No. 93-069 as amended, as it existed on August 29, 1995, is confirmed not to have been repealed and remains in full force and effect.
3. In all other respects By-law No. 95-173 as amended, is hereby confirmed without change.

PASSED this day of A.D. 1995.

City Clerk

Mayor

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HAMILTON PUBLIC LIBRARY



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